



Planning Committee B

Report title:

71 Peak Hill, SE26 4NS

Date: 07 July 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Sydenham

Contributors: Amanda Ghani

Outline and recommendations

The report has been brought before committee for a decision due to the submission of 3 objections from local residents, with a recommendation that the Committee resolve to grant planning permission subject to the attached conditions and informatives.

Application details

Application reference number(s): DC/21/124069

Application Date: 27/10/21

Applicant: Vita Architecture

Proposal: Demolition of the existing garage at the rear of 71 Peak Hill, SE26 and the construction of a partially sunken two storey 1 x 1 bedroom separate dwelling, with associated cycle and bin storage.

Background Papers: (1) Submission drawings and documents
(2) Internal consultee responses

Designation: Cobbs Corner Conservation Area, PTAL 3

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The site is the rear part of the back garden of 71 Peak Hill which is a semi-detached dwelling on the eastern side of the road at the corner of Kinver Road. The dwelling is a Victorian property with a two storey rear projection and of a typical style in the immediate area. The property has an 18m long rear garden and a modest front garden. The current application refers specifically to the existing single storey double garage located at the back of the rear garden and fronting onto Kinver Road. The garage is 5.48m deep and 4.7m wide and takes up the full width of the rear garden; it has a flat roof measuring 2.75m high. According to the applicant the garage has not been in use for a number of years and is in a dilapidated state.

Character of area

- 2 The surrounding area is predominantly residential in character.

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3

Heritage/archaeology

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The site is in the Cobbs Corner Conservation Area

Transport

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The site has a public transport accessibility level (PTAL) of 3 on a scale of 1-6b, 1 being the lowest and 6b the highest.

2

RELEVANT PLANNING HISTORY

6

DC/20/115619 - Demolition of the existing garage at the rear of 71 Peak Hill, SE26 and the construction of a partially sunken two storey 1 x 2 bedroom separate dwelling, with associated cycle and bin storage. Refused 13/07/20 due to:

7

The applicant has failed to demonstrate that the proposed new dwelling would provide a satisfactory standard of accommodation by reason of it being undersized, having poor quality outdoor amenity space, a lack of privacy to the ground floor main habitable space and a poor level of natural light and no outlook to and from the two bedrooms, contrary to Policy 3.5 Quality and design of housing developments of the London Plan (March 2016) (as amended), Policy 15 High Quality Design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Lewisham Development Management Local Plan (November 2014), Paragraph 127 of the NPPF (February 2019), Policy D6 Housing quality and standards of the Intend to Publish London Plan (December 2019), Technical housing standards – nationally described space standard (March 2015) and the Housing SPG (March 2016).

8

DC/20/118722 – Demolition of the existing garage at the rear of 71 Peak Hill, SE26 and the construction of a partially sunken two storey plus roof space 1 x 2 bedroom separate dwelling, with associated cycle and bin storage. Refused 02/12/20 due to:

9

The proposed dwelling, due to its design, siting, and excessive scale, bulk and height is considered a poor quality and visually overbearing addition that would appear jarring and incongruous in relation to the existing streetscape and built environment; failing to preserve and enhance the character or appearance of the conservation area. As such, the proposal is contrary to paragraphs 130, 194-197 and 200 of the National Planning Policy Framework (2019); Policies 7.4 Local Character and 7.6 Architecture, 7.8 Heritage assets and archaeology of the London Plan 2015 (as amended 2016); Policy HC1 Heritage conservation and growth of the Intend to publish Draft London Plan (2019); Policy 15 High quality design for Lewisham, and Policy 16 Conservation areas,

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heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policy 30 Urban Design and Local Character, DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014)

- 10 *The proposed new dwelling would fail to provide a satisfactory standard of accommodation by reason of poor outlook from the two bedrooms located at basement level, poor quality outdoor amenity space and a lack of privacy to the kitchen/dining room, contrary to Paragraph 127 of the NPPF (February 2019), Policy 3.5 Quality and design of housing developments of the London Plan (March 2016) (as amended), Policy D6 Housing quality and standards of the Intend to Publish London Plan (December 2019), Policy 15 High Quality Design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Lewisham Development Management Local Plan (November 2014).*
- 11 *The proposal, by reason of its design, siting and excessive scale, would result in an overly dominant development creating an overbearing and unacceptable sense of enclosure and loss of visual amenity from the front windows and front garden of 2 Kinver Road and the rear windows and gardens of 71 and 73 Peak Hill, resulting in material harm to the living conditions of neighbours contrary to Paragraph 127 of the National Planning Policy Framework (2019); Policies 7.4 Local Character and 7.6 Architecture, and 7.8 Heritage assets and archaeology of the London Plan (2016); Policy 15 High quality design for Lewisham and Policy 16 Conservation areas, heritage assets and the historic environment, of the adopted Core Strategy (June 2011), and DM 30 Urban design and local character, DM 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).*

2 CURRENT PLANNING APPLICATION

2.1 THE PROPOSALS

- 12 The application is for the construction of a two-storey, 1b2p dwelling situated at ground and basement levels. The dwelling would be sited behind 71 Peak Hill and accessed from Kinver Road. Refuse and cycle storage would be situated to the side of the site. No off-street parking is proposed as part of the development.
- 13 The proposed dwelling would encompass the footprint of the existing garage and measure 6.2m wide and 6m deep. It would have a pitched roof with an eaves height of 3.2m and a maximum height of 4.6m. At ground floor a front door and window would be sited in the street elevation and two windows and a door in the western elevation. A sunken courtyard is proposed in front of a set of glazed doors at basement level on the western elevation.
- 14 The main open plan living space would be situated on the ground floor and the bedroom and bathroom in the basement area.

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2.2 COMPARISON WITH PREVIOUS SCHEME

- 15 The current application follows two refused applications.
- 16 The key differences between the current proposal and the previous applications are as follows:
- 17 The current proposal has reduced the number of bedrooms from two to one.
- 18 The height of the dwelling has been reduced from two-storey (plus basement) to single storey (plus basement); with a reduction in overall height from 6m to 4.6m when measured from ground floor level.

3 CONSULTATION

3.1 PRE-APPLICATION ENGAGEMENT

- 19 Pre-application advice was given on 25/11/19 for a 1b2p dwelling on the existing garage site.

3.2 APPLICATION PUBLICITY

- 20 Site and public notices were displayed on 11th February 2022 and a press notice was published on 23rd February 2022.
- 21 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 11th February 2022.
- 22 3 number responses received, comprising 3 objections.

3.2.1 Comments in objection

Comment	Para where addressed
Incongruous design, not in keeping with surrounding buildings and conservation area.	Chapter 5.3
Add to on street parking stress	Para 102-104
Poor standard of accommodation	Para 60-74
Removal of trees	Para 136-138

- 23 A number of other comments were also raised as follows:
- 24 Pressure on local drainage
- 25 Harm to structural stability of surrounding buildings

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3.3 INTERNAL CONSULTATION

26 The following internal consultees were notified on 11th February 2022.

27 Tree Officer: no comments.

28 Conservation: raised no objections subject to changes to the design. See para.87

3.4 EXTERNAL CONSULTATION

29 The Sydenham Society: No objection.

4 POLICY CONTEXT

4.1 LEGISLATION

30 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).

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

4.2 MATERIAL CONSIDERATIONS

32 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.

33 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.

34 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.

4.3 NATIONAL POLICY & GUIDANCE

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

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4.4 DEVELOPMENT PLAN

35 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)

4.5 SUPPLEMENTARY PLANNING GUIDANCE

36 Lewisham SPG/SPD:

- Small Sites Design Guide (October 2021)

37 London Plan SPG/SPD:

- Character and Context (June 2014)
- Housing (March 2016)

5 PLANNING CONSIDERATIONS

38 The main issues are:

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

5.1 PRINCIPLE OF DEVELOPMENT

General policy

39 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.

40 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.

41 LPP H1 looks to increase housing supply by optimising the potential for housing delivery on all suitable and available sites especially those within areas of PTAL 3-6 or which are

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located within 800m distance of a station or town centre boundary. The current application meets this criteria.

- 42 Lewisham is defined as an Inner London borough in the London Plan, which sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.
- 43 DM Policy 1 of the Development Management Local Plan states that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals secure development that improves the economic, social and environmental conditions of the borough.
- 44 The Core Strategy (CSP) recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan (LPP) at Policy H1 increases Lewisham's ten-year (2019/20 - 2028/29) housing target at 16,670, or 1,667 as an annualised average. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need.
- 45 DM Policy 33 States that if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape. This includes the spaces between buildings which may be as important as the character of the buildings themselves, and the size and proportions of adjacent buildings. Development on these sites must meet the policy requirements of DM Policy 30 (Urban design and local character), DM Policy 32 (Housing design, layout and space standards) and DM Policy 25 (Landscaping and trees).
- 46 DM Policy 33 sets out that infill sites are defined as sites within street frontages such as former builder's yards, small workshops and garages, gaps in terraces and gardens to the side of houses.
- 47 Small Sites SPD under section 27 - Infill Development, paragraph 27.1.2. Identifies this type of site to occur where a row of terraced houses meets the rear garden of property facing a primary street. These sites are sometimes occupied by existing garages or outbuildings, or in other cases form the end of gardens with a boundary onto a road. To qualify as a street extension a site must have a frontage directly onto a public highway and the distance from the rear of a house on the primary street is sufficient to allow a new dwelling to be developed in place of existing structures.

Discussion

- 48 As an area of land with a street frontage, the application site can be considered an infill site and would need to adhere to the criteria as set out in DM Policy 33. The site is also considered 'Street extension Infill development' in the Small Sites SPD.
- 49 Paragraph 195 of the NPPF sets out that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal and take into account the impact of the proposal on a heritage asset, avoiding

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or minimising any conflict between the heritage asset's conservation and any aspect of the proposal.

50 The principle of development on this site was established in assessments of previous applications DC/20/115619 and DC/20/118722.

51 The principle of residential development would achieve the wider benefit of providing an additional home within the Borough which is considered a planning merit. As such, the principle of development is acceptable.

5.1.1 Principle of development conclusions

52 In summary, officers raise no objection to the principle of development, subject to matters including design, standard of accommodation, neighbour impact and highways, whilst ensuring a successful approach to respecting the conservation area.

5.2 HOUSING

Policy

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

5.2.1 Residential Quality

General Policy

54 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

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

56 LPP D6 requires new homes to meet specific space and other standards. In addition, DMP 32 requires all new residential developments to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy.

Internal space standards

Policy

57 LPP D6 seeks to achieve housing development with the highest quality internally and externally in relation to their context. Minimum space standards are set out in Table 3.1 of the London Plan.

58 The Technical Housing Standards (2015), Mayors Housing Supplementary Planning Guidance (SPG), London Plan Policy D6 and DM Policy 32 set out or make reference to the minimum space standards required for amenity space to achieve housing development that provides the highest quality of space externally in relation to its context. LPP D6 states that 'a minimum of 5sqm of private outdoor space should be

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provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'

Discussion

59 The minimum space standards for a 1b2p dwelling on two floors is shown in Table 1.

Table [1]: Internal space standards – proposed v target

No of bedrooms	No. of persons	1 storey dwelling (proposed (target))	2 storey dwelling (proposed (target))	3 storey dwelling (proposed (target))	Built-in storage (proposed (target))
1b	2p	(50) N/A	(58) 61		(1.5) 1.5

60 The gross internal floor area is 61sqm which exceeds the minimum required standard and as such is acceptable. The proposal also meets the requirements of LP Policy D6 in terms of size of the double bedroom and internal storage provision.

61 The floor to ceiling height of the dwelling would exceed the 2.5m minimum requirement for new dwellings, with the basement and ground floor having a floor to ceiling height of at least 2.7m.

62 The proposal would provide 15.7sqm of private outdoor space for the new dwelling in the form of a 6.7sqm sunken courtyard at basement level and 9sqm to the side of the dwelling at ground floor level. The proposed amenity space exceeds the minimum requirement of 5sqm as set out in LP Policy D6 and is acceptable.

Outlook & Privacy & Overheating

Policy

63 LPP D1(8) requires development to achieve appropriate outlook, privacy and amenity

64 DMLP Policy 32 expects all new units to provide a satisfactory level of privacy, outlook and natural lighting for future residents, which is also supported by the Mayors Housing SPD. Furthermore, the London Plan Policy D6 requires the highest standards of sustainable design and construction to be achieved, including the avoidance of single-aspect units.

65 London Plan Policies D6 and SI 4 seek to avoid internal overheating through design, layout, orientation, materials and the incorporation of green infrastructure. The Mayors Housing SPG also demonstrates that development proposals should achieve an appropriate design of dwellings to avoid overheating without heavy reliance on energy intensive mechanical cooling systems

Discussion

66 The main habitable rooms are orientated to the north and west with fenestration to allow daylight and sunlight into the rooms. The dwelling would be dual aspect which is considered sufficient to avoid unacceptable overheating.

67 The dwelling would benefit from a good level of privacy, as the windows on the western elevation are set back 3m from the side boundary treatment and would overlook a

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sunken courtyard. Furthermore, trees are proposed to be planted in the rear garden of No.71 Peak Hill, along the shared boundary.

- 68 The Small Sites SPD, under paragraph 12.22.3. states that two-storey dwellings (such as maisonettes), where the main entrance and habitable rooms are at ground floor level, with further living accommodation within a basement level, may be acceptable provided habitable rooms receive sufficient natural daylight and outlook. In this instance, even though the bedroom would overlook the sunken courtyard, it is considered that the courtyard is sufficiently large and would allow the new dwelling to receive sufficient levels of natural daylight and outlook.

Daylight and Sunlight

Policy

- 69 DM Policy 32 (1)(b) expects new development to provide a satisfactory level of natural lighting for its future occupiers.
- 70 Daylight and sunlight are generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.
- 71 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2% for kitchens

Discussion

- 72 No daylight/sunlight assessment has been provided; but it is not considered necessary for this scheme given its modest scale and the benefits already identified, namely the unit being double aspect. As such, officers consider the daylight and sunlight levels to be acceptable.

5.2.2 Housing conclusion

- 73 Overall the proposed development would provide a good standard of residential accommodation in compliance with LP Policy D6 and DMLP 32.

5.3 URBAN DESIGN & HERITAGE IMPACT

General Policy

- 74 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.
- 75 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 76 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.

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- 77 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.
- 78 LPP HC1 states that where development would affect heritage assets, it should be sympathetic to their form, scale, materials and architectural details.
- 79 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.
- 80 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.
- 81 LPP D3, CS Policy 15 and DMLP DM30 requires that all new developments provide a high standard of design and should respect the existing forms of development in the vicinity.

5.3.1 Appearance and character

Policy

- 82 LP Policy D3 requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate for of development that responds to a site's context and capacity for growth.

Discussion

- 83 The subject site is considered an infill street development site as set out in the Small Sites SPD. The height of street extension infill development should generally follow that of the closest neighbour on the street it is extending and should generally maintain the existing building line established by the street it is extending.
- 84 However, in this instance, as the subject plot is sited fully forward of the adjacent Kinver Road properties, the proposed dwelling has been designed not to replicate the existing dwellings in this terrace, but rather create a subservient addition of modest scale. This is considered to be an appropriate response given the plot size and siting. The dwelling would appear sufficiently subservient within the street scene.
- 85 Regarding the design of the building, when viewed from surrounding properties and the public realm, it would have an appearance of a single-storey structure which is similar to others found in the immediate vicinity; in particular No.22 Kinver Road which is a three bedroom bungalow that was granted planning permission in 2010 (DC/10/073527).
- 86 The proposed building is a contemporary design constructed using London stock bricks to match adjacent properties. The front elevation would have decorative detailing which would offset the minimalistic zinc roof. The proposed materials are considered high quality and would be used in an innovative way that is compatible with the character of the conservation area. The applicant made changes to the design in line with the

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conservation officer's comments and removed the zinc cladding from the side elevations of the building. Window and door frames would be powder coated aluminium in an anthracite grey colour. The proposed materials are considered acceptable. A condition would be added to ensure these materials are used and that design quality is maintained throughout the development process.

- 87 Paragraph 199 of the NPPF requires great weight to be given to the asset's conservation while para 202 requires harm to be weighed against any public benefits of the proposal. As no harm has been identified, no balancing act is deemed necessary.

5.3.2 Urban design conclusion

- 88 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 Cobbs Corner Conservation Area.

5.4 TRANSPORT IMPACT

General policy

- 89 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. 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 mode.
- 90 Para.109 states "Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- 91 Regionally, the Mayor's Transport Strategy ('the MTS', GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.
- 92 Policy T1 of the London Plan (2021) sets out the Mayor's strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.
- 93 Core Strategy Policy 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

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5.4.1 Servicing and refuse

Policy

- 94 CSP 13 sets out the Council's waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.
- 95 DMLP 29 requires new development to have no negative impact upon the safety and suitability of access and servicing
- 96 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23

Discussion

- 97 A refuse store would be provided at the side of the site. The proposed provision of refuse storage appears sufficient and well located.

5.4.2 Transport modes

Walking and cycling

Policy

- 98 Development should give priority first to pedestrian and cycle movements, both within the scheme and within the neighbouring area. Development should create places that are safe, secure and attractive, minimising the scope for conflicts between pedestrians, cyclists and vehicles.
- 99 Cycle storage space should be provided in accordance with LPP T5, table 10.2 and London Cycle Design Standards. Developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards.

Discussion

- 100 The property would be provided with cycle storage for two bicycles to the side of the site. As such, the proposal is considered to be acceptable in terms of cycle parking provision, adhering to London Plan standards.

Private cars

Policy

- 101 LPP T6 supported by CSP 14 and DMLP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Table 10.3 of the London Plan sets the maximum car parking standards for residential developments. The site has a PTAL 3 rating and under LPP T6 the maximum allowance for off street parking is 0.5 spaces per household.

Discussion

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- 102 No off-street parking is proposed as part of this development. The site is not within a Controlled Parking Zone. The existing double garage is currently not in use, so the displacement of vehicles to the highway is not a concern.
- 103 No parking survey data was provided by the applicant. However, officers note there are on street parking opportunities in the immediate vicinity which is likely to safely accommodate the small amount of parking that could be generated by the proposal. The restricted approach to off-street parking is consistent with the parking standards in the London Plan and would not give rise to an unacceptable level of harm in terms of parking, given the size of the development.

Other

- 104 A condition requiring the reinstatement of the redundant crossover would be attached and would provide one additional on street parking space.

5.4.3 Transport impact conclusion

- 105 In summary, the proposed development is considered to have an acceptable impact on the surrounding highway and transport network

5.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 106 NPPF para.130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. This is reflected in relevant policies of the London Plan, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2016, GLA; Alterations and Extensions SPD 2019, LBL)
- 107 LPP D3 states that development proposals should deliver appropriate outlook, privacy and amenity as well as mitigating noise levels.
- 108 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 109 Further guidance is given in Housing SPD 2017, GLA. The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance

5.5.1 Enclosure, Outlook, access to Daylight and Privacy

Policy

- 110 Overbearing impact arising from the scale and position of development is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries. Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

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111 DMLP 32 expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours. Additionally, the justification for DMLP 32 at paragraph 2.250 advises that there should be a minimum separation distance of 21m between directly facing habitable room windows on main rear elevations

Discussion

112 *Impact on No.2 Kinver Road*

113 The proposed dwelling would be built on the boundary with No.2 Kinver Road and would extend 6m beyond the front elevation of this neighbouring property at an eaves height of 3.2m. The side (flank wall) of 2 Kinver Road is set back 1m from the shared boundary and whilst the proposed dwelling would be 440mm higher on the boundary than the existing garage; it would not appear overbearing or be so visually obtrusive when viewed from the front windows and front garden of this property to warrant a reason for refusal.

114 No window or door openings are proposed in the eastern elevation; so there would be no issues regarding overlooking or loss of privacy to the occupiers of 2 Kinver Road.

115 *Impact on No.73 Peak Hill*

116 The rear gable end of the proposed dwelling would abut the northern boundary of No.73. The gable at 6.2m wide would be 1.35m wider than the existing garage and it would range in height from 4.7m at the roof ridge, to 3.2m at the eaves on this shared boundary. The proposal would result in a larger structure on this shared boundary. However, the proposed dwelling would not appear overly dominant when viewed from the rear windows and rear garden of this neighbouring property. Due to its siting, there would be no significant overshadowing or loss of daylight/sunlight to the rear garden. No window openings are proposed in the southern elevation, so there would be no issues with overlooking or loss of privacy.

117 *Impact on No.71 Peak Hill*

118 The proposed windows in the western (flank) elevation would be 11.2m from the rear windows of No.71 Peak Hill. This exceeds the 10m privacy zone as outlined in the Small Sites SPD guidance. Views to and from the ground floor windows would be obscured by the boundary treatment and further mitigation measures in the form of tree planting would ensure there is no overlooking or loss of privacy to the rear windows and garden of No.71.

119 The new dwelling would be set back 3m from this neighbour's new rear boundary. The set back, boundary treatment and planting are considered sufficient measures to prevent the new dwelling appearing visually obtrusive and overbearing when viewed from the rear windows and rear garden of this property.

5.5.2 Noise and disturbance

Policy

120 The NPPF at para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should help to improve local environmental conditions. Para 185 states decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new

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development and avoid noise giving rise to significant adverse impacts on health and the quality of life

Discussion

- 121 The introduction of a new residential property within a residential area is not considered to result in any significant long-term material impacts in terms of noise and disturbance. The construction phase of development is likely to introduce short-term disturbances to the surrounding properties, however that is an inevitable consequence of development and is not considered a material consideration in this case. Hours of noisy work are controlled by other legislation, and an informative is proposed in order to draw the Applicant's attention to Lewisham's Good Practice guide

5.5.3 Impact on neighbours conclusion

- 122 Officers consider that the proposal would be acceptable and would have no significant harm upon the amenities of surrounding properties.

5.6 SUSTAINABLE DEVELOPMENT

General Policy

Energy and carbon emissions reduction

- 123 London Plan policy SI 2 (minimising greenhouse gas emissions) states that major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following hierarchy: (1) be lean; use less energy and manage demand during operation; (2) be clean; exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly; (3) be green; maximise opportunities for renewable energy by producing, storing and using renewable energy on-site and (4) be seen; monitor, verify and report on energy performance.
- 124 CSP8 seeks to minimise the carbon dioxide emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.
- 125 DMP 22 requires all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.

Discussion

- 126 The development will be designed to achieve a reduction in carbon dioxide emissions of 19% beyond the 2013 Building Regulations Part L.

5.6.1 Flood Risk

Policy

- 127 LPP S1 12 expects development proposals to ensure that flood risk is minimised and mitigated.

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128 LPP GG6 requires developments to make efficient use of water and reduce impacts from natural hazards like flooding.

Discussion

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

5.6.2 Sustainable Infrastructure conclusion

130 Given the scale of the development, the proposed measures in terms of sustainability are considered acceptable.

5.7 NATURAL ENVIRONMENT

General Policy

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

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

133 The NPPF at paragraph 185 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development

5.7.1 Green spaces and trees

Policy

134 Paragraph 174 of the NPPF (2021) requires that decisions should contribute to and enhance the natural and local environment. DM Policy 25 seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process

Discussion

135 Officers note that there are three trees in the rear garden of No.71 Peak Hill, on the northern boundary which provide green screening to the rear garden and are considered to have amenity value. The trees are highly visible within the street scene. There is also a tree on the southern boundary in the neighbouring rear garden. The trees are not subject to a Tree Preservation Order, however, trees in conservation areas are protected by provisions in Section 211 of the Town and Country Planning Act 1990. This requires that the local planning authority be notified of certain works on such trees before the work is carried out. Two of the trees are in close proximity to the existing garage. The applicant has supplied a tree constraints plan and a tree retention and protection plan; a tree survey and a tree development report.

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- 136 The three trees on the northern boundary have been identified as T1- Corkscrew Willow, T2-Bay, T3-Cherry Laurel and the tree in the garden of No.73, T4 - Cider Gum. Trees T1-T3 are in good physical condition and T4 is considered to be in fair condition. The submitted Tree Retention and Protection Plan has identified T2 and T3 as trees to be removed. Both trees are stated as being 20 to 40 years old, semi-mature and category C. The Tree Development Report states that none of the trees require removal due to reasons of sound arboricultural management. Their removal is ultimately dependent of their proximity to the development.
- 137 The Tree Retention and Protection Plan also shows four proposed trees, with one sited on the northern boundary and the other three on the new eastern boundary of No.71. The trees are identified as category A, however no further details have been submitted regarding the type, size or age of tree. In this instance the loss of two trees is considered acceptable since four new trees will be planted in their place. Details of the four new trees can be secured by condition.
- 138 Due to the constraints of the development site, there is limited opportunity to secure environmental improvements. However, the provision of green roofs to the cycle and bin store can be secured by condition.

5.7.2 Natural Environment conclusion

- 139 The proposal is acceptable in terms of natural environment, subject to conditions.

6 LOCAL FINANCE CONSIDERATIONS

- 140 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).
- 141 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 142 The CIL is therefore a material consideration.
- 143 Lewisham CIL and MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption. The applicant has signed Part 1 of a Self-build exemption claim form and may be eligible for relief as long as all necessary requirements are met.

7 EQUALITIES CONSIDERATIONS

- 144 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.

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- 145 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.
- 146 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.
- 147 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>
- 148 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
- 149 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>
- 150 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.

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8 HUMAN RIGHTS IMPLICATIONS

151 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

152 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.

153 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.

154 This application has the legitimate aim of providing a new building with residential uses. 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.

9 CONCLUSION

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

156 The principle of an additional dwelling at this site is supported as it is situated in a sustainable urban location. The proposed development is acceptable in terms of design and scale, form, design and materials. Weight is given to the planning merit of additional housing.

157 The proposal would have no unacceptable impact on neighbouring properties in terms of enclosure, outlook and privacy, noise or disturbance. There would be no significant negative impact on the local transport network or parking.

10 RECOMMENDATION

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

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10.1 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:

VA-0227-XX-DR-A-PL-0500 Rev.A; Tree Retention and Protection Plan; Tree Constraints Plan; VA-0227-XX-DR-A-PL-0150 Rev.A; VA-0227-XX-DR-A-PL-0151 Rev.A (Received 28th October 2021)

VA-0227-XX-DR-A-PL-0160 Rev.B; VA-0227-XX-DR-A-PL-0161 Rev.B; VA-0227-XX-DR-A-PL-0510 Rev.B (Received 8th June 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) MATERIALS

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

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

4) REFUSE AND CYCLE STORAGE

(a) Notwithstanding the submitted plans, the development shall not be occupied until details of refuse and cycle storage, including details of biodiversity living roofs, shall be submitted to and approved in writing by the local planning authority.

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

5) BOUNDARY TREATMENT

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- (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) **CONSTRUCTION LOGISTICS MANAGEMENT PLAN**

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

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

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

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

7) **PLANTING OF NEW TREES**

- (a) Details of the four trees to be planted on the western boundary of the site, the species, location and size of trees and tree pits and details of the management and maintenance of the trees for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) All planting shall be carried out in the first planting season following the completion of the development, in accordance with the approved scheme under part (a). Any trees 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

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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).

8) **REMOVAL OF CROSSOVER**

The development hereby approved shall not be occupied until the existing vehicular crossover directly in front of the approved development has been removed and the kerb line reinstated.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011)

10.2 INFORMATIVES

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

11 BACKGROUND PAPERS

- 159 (1) Submission drawings
- 160 (2) Internal consultee responses.

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12 REPORT AUTHOR AND CONTACT

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