



Planning Committee C

Report title:

68-70 Bovill Road SE23 1EJ

Date: 21 July 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(s): DC/21/124742

Application Date: 09 Dec 2021

Applicant: D. Rose Planning LLP

Proposal: Construction of an extension to the first and second floors, a first-floor glazed infill extension at the rear of 68-70 Bovill Road SE23, to provide 5 self-contained flats (1 x 1 bed & 4 x 2 bed), together with the demolition of the existing garages at the rear of the site and construction of a 3 storey 3-bedroom unit, and a communal bicycle and bin stores fronting Ebsworth Street.

Background Papers: (1) Submitted drawings
(2) Submitted technical reports and documents
(3) Statutory consultee responses

Designation: PTAL 3 / 4
HopCroft Neighbourhood Forum
Local Open Space Deficiency
Air Quality Enhancement Scheme

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application site relates to two, three-storey terraced properties located on the western side of Bovill Road, at its junction with Ebsworth Street. The properties each contain two self-contained flats, one three bedroom, and one 1 bedroom. To the rear of the properties are two existing single storey garage structures, which are in use for storage purposes.

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Figure 1 Site Location Plan



Character of area

- 2 The area is residential in nature and comprised of terraced housing. There is a public house on the opposite side of the street.

Figure 2 Aerial View of the Application Site



Heritage/archaeology

- 3 The site is not located in a conservation area, and is not in the vicinity of any listed buildings.

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Transport

- 4 Bovill Road and Ebsworth Street are unclassified roads, and the site is not located within a Controlled Parking Zone. The PTAL rating of the site is 4, meaning access to public transport is good. The property is within 16 minutes walking distance from Forest Hill station. It sits on the bus routes 122, 171 and N171.

2 PLANNING HISTORY

- 5 **DC/18/106898** - The construction of a first-floor side extension and roof extension at 68B Bovill Road, SE23 together with the installation of two windows on the first-floor flank elevation and conversion of the existing residential unit to provide 2 x No. one bedroom self-contained flats. Refused 05 Sep 2018 for the following reason:

- The proposed extensions, by reason of their siting, bulk and detailed design would appear as incongruous and over-dominant forms of development that would be detrimental to the character and appearance of the host property and wider streetscene, contrary to Core Strategy Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 30 Urban design and local character and DM 31 Alterations/extensions to existing buildings of the Development Management Local Plan (November 2014).

- 6 Appeal allowed ref: APP/C5690/W/18/3217538 dated 29 July 2019.

- 7 **DC/18/109875** - Demolition of existing garages on the land at the rear of 68 Bovill Road, SE23 and construction of a new building to create two x 1 bed self-contained units. Refused 04 Mar 2019 for the following three reasons:

- The proposed building, given its footprint, scale and massing, would result in a development that is disproportionate to the size of the application site, and the enclosure of the existing space between the rear elevation of No.68 Bovill Road and the side elevation of No.1 Ebsworth Street would appear as an incongruous form of development which would be harmful to the local streetscene contrary to Policy 7.4 Local Character and Policy 7.6 Architecture of the London Plan (2016), DM Policy 30 Urban design and local character of the Development Management Local Plan (2014), and Lewisham Core Strategy Policy 15 High quality design for Lewisham (June 2011).
- The proposed development would provide a poor standard of accommodation by reason of the ground floor flat having an undersized internal floor area, lack of sufficient defensible space and substandard external amenity area; and the upper floor flat having an undersized external amenity area, contrary to Policy 3.5 Quality and design of housing developments, 7.4 Local character and 7.6 Architecture of the London Plan (March 2016) (as amended), Policy 15 High Quality Design for Lewisham of the Core Strategy (June 2011) and Policies DM 30 Urban design and local character; DM Policy 32 Housing design, layout and space standards of the Lewisham Development Management Local Plan (November 2014).
- The proposed building would have a detrimental impact on the amenities of the occupiers of the ground floor flat at No.70 Bovill Road as a result of its overall height, scale and siting, which would give rise to a reduced outlook and provision of daylight and sunlight, contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 32 Housing design, layout and space standards of

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the Development Management Local Plan (November 2014) and the Residential Standards Supplementary Planning Document (August 2006 updated May 2012).

8 Appeal dismissed ref: APP/C5690/W/19/3227215 29 July 2019

9 **DC/20/116792** - Construction of an extension to the first and second floors, a first-floor glazed infill extension at the rear of 68-70 Bovill Road SE23, to provide 5 self-contained flats, together with the demolition of the existing garages at the rear of the site and construction of 2 storey 1 bedroom unit, and a communal bicycle store fronting Ebsworth Street. Granted 28 Oct 2020.

3 CURRENT PLANNING APPLICATION

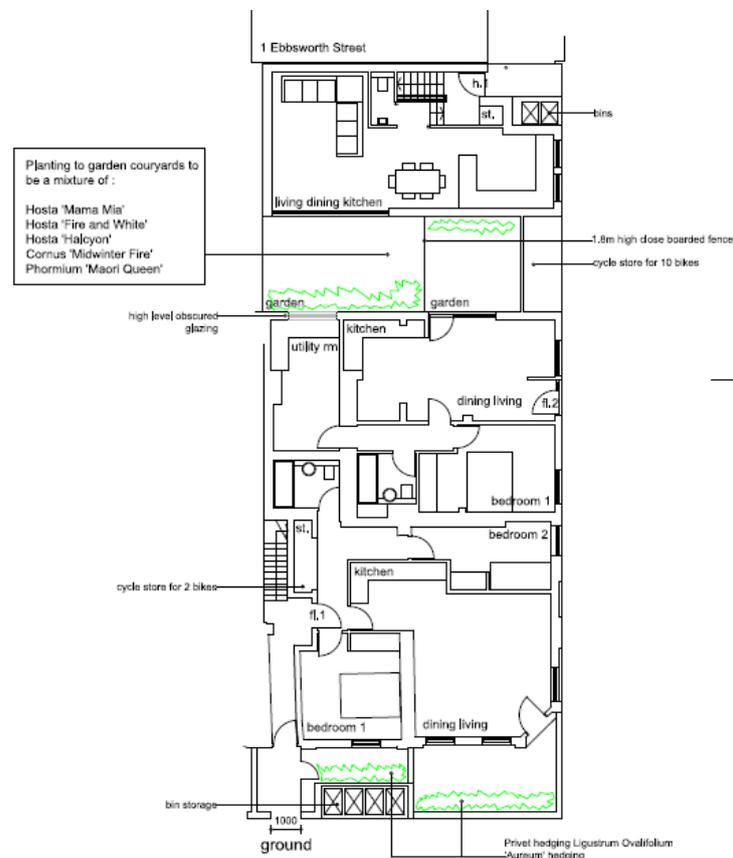
3.1 THE PROPOSAL

10 The proposal includes the alterations and extensions to the host buildings of Nos 68 and 70 Bovill Road to accommodate the change to 5 flats and the addition of one new dwelling by demolition of the existing garages at the rear of these properties.

11 The changes to No 68 would be the construction of a first and second floor extension to the original rear outrigger of No 68, and the installation of windows to the north elevation.

12 The garages at the rear would be demolished and a three storey single family house with a sloped roof would be constructed.

Figure 3 Proposed Ground Floor Plan



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- 13 Regarding No 70, it would be extended rearward at first floor level and a glazed infill extension at first floor level between the two outriggers.
- 14 The foot print of the main buildings at Nos 68 and 70 Bovill Road after the proposed rear extension would remain the same as the previously approved application.

Figure 4 Proposed First and Second Floor Plan



- 15 Alterations to the fenestration would be to the front and side elevations at ground floor, providing green space to the rear and a communal bicycle store would be constructed between the rear of the outrigger of No.68, and the side elevation of the new dwelling.

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Figure 5 Proposed Side Elevation



- 16 Materials would be facing brickworks, and standing seam zinc cladding for roof. The entrance doors would be grey stain timber doors, and the ones to the side would have obscure glass panels.

Figure 6 Proposed front Elevation



Variation from the Approved Application DC/20/116792

- 17 The approved application DC/20/116792, and the current proposal both propose 5 new dwellings within the main building, and a new dwelling to the rear. The main differences are:
- 18 The approved new building to the rear was two storeys, but the current proposal proposes a three-storey building with a sloped roof.

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- 19 The shape and the location of the private amenity space of the new dwelling and Flat 1 has changed.
- 20 The current proposal changes the fenestration and entrance door to the front.
- 21 The internal layout has changed.

REVISIONS

- 22 During the current application process, the ground floor fenestration to the front and side has been altered to appear more consistent with the existing windows at the top floors, in terms of width and positions and clarification of the arrangement for the privacy screen at the first-floor balcony. It is noted that there is a discrepancy on the plan 21-1396-01Q REV Q regarding the new balcony for Flat 3, which has been explained and confirmed in an email dated 07/07/2022.
- 23 The enlargement of the entrance on Bovill Road to the forecourt was undertaken. In addition, further details of the entrance doors have been provided.

4 CONSULTATION

4.1 APPLICATION PUBLICITY

- 24 Site notices were displayed on 14 Jan 2022.
- 25 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors, and Hopcroft Neighbourhood Forum on 21 Dec 2021.
- 26 Four responses were received, comprising 4 objections.

4.1.1 Comments in objection

Comment	Para where addressed
Amenity impact	
The proposed second floor extension will result in loss of light and overshadowing onto the properties at Ebsworth Street and Bovill Road	132 and 133
Potential of overlooking by the nine windows towards properties at Ebsworth Court and Bovill Road	125 - 127
A huge increase in the footfall to this area and the potential for noise etc.	136
Design	
Overall appearance of the development is keeping in line with the appearance of other residential housing in the area,	101
Additional height by a pitched roof	101
Building line of 68-70 Bovill Road is two metres closer to Ebsworth Court than the rest of the buildings on Ebsworth Street and will therefore be imposing	101
Having an even larger house constructed boxes in the neighbouring properties	106 and 114

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Zinc cladding seems like a strange substance to be using considering the overall appearance of Victorian Houses.	109
Loss of the back gardens Nos 68 and 70, and construction of two storey building	107

- 27 Non-material Planning concerns were raised regarding:
- 28 No planning permission for the existing storage area. *Officer Response:* only the current scheme is under consideration. However, if the buildings at the rear of the property have been used in this manner for more than 4 years, they may be immune from enforcement action.
- 29 Noise disruption from construction works, and roadworks, *Officer Response:* Officers recognise that during implementation of the development there would be noise and disturbance from construction related activity. This is a relatively short-term impact and given the scale of the proposed development, will be conditioned on hours of operation and construction work.

4.1.2 Comments in support

One comment was received, supporting the design, which would be an improvement to the existing buildings.

4.2 INTERNAL CONSULTATION

- 30 The following internal consultees were notified; Highway
- 31 Highway: orally raised no response.

5 POLICY CONTEXT

5.1 LEGISLATION

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

5.2 MATERIAL CONSIDERATIONS

- 33 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.
- 34 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.
- 35 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their

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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

36 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)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

37 Lewisham SPG/SPD:

- Small Site Design Guide (SPD) (Oct 2021)
- Planning Obligations Supplementary Planning Document (February 2015)
- Neighbourhood Plan For Crofton Park and Honor Oak Park (Hopcroft Plan) 2017-2027

38 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Housing (March 2016)
- Energy Assessment Guidance (October 2018)

6 PLANNING CONSIDERATIONS

39 The main issues are:

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

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- Transport

6.1 PRINCIPLE OF DEVELOPMENT

General policy

- 40 The National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.
- 41 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.
- 42 Chapter 11 of the NPPF (2021) outlines that planning decisions should make effective use of land by promoting and supporting underutilised land and buildings, particularly where they would contribute to housing needs and where site could be used more effectively.
- 43 The London Plan (2021) at Table 4.1 sets a 10 year housing completion target of 16,670 new homes between 2019 and 2029 for Lewisham and Policy H1 requires boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites through their planning decisions.
- 44 Policy H2 of the London Plan requires boroughs to pro-actively support well-designed new homes on small sites to help achieve the housing targets set out on Table 4.2. Lewisham has a ten-year target to deliver 3,790 new homes on small sites. Policy H2 sets out that boroughs will need to recognise that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.

6.1.1 Principle of development conclusion

- 45 The site is embedded in a residential area and in light of the evolving policy context supporting residential development on small sites, the proposed scheme would provide much needed housing and it is consistent with the direction of the NPPF, policies in the London Plan and the various documents in the Lewisham development plan and is therefore considered acceptable in principle.
- 46 The assessment of the previously approved application DC/20/116792 raised no concern regarding the loss of the garage, or the intensified residential use at the site. The Inspector of the appeal ref APP/C5690/W/18/3217538 considered the development acceptable in principle. Therefore, officers support the principle of residential development.
- 47 The acceptability of the scheme is subject to the standard of accommodation provided, the proposed scheme being of an appropriate scale and design, which would have an acceptable impact on the host property and surrounding area, including on the amenities of neighbours, as well as the impact on the local highways network. These matters are discussed in the following sections of this report.

Summary

- 48 In light of the above, the proposed development would provide more residential units, through an extension to the rear, and a new build dwelling house, that would provide

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much needed housing. The principle of the scheme is consistent with the direction of the NPPF, policies in the London Plan and the various documents in the Lewisham development plan and is therefore considered acceptable.

6.2 HOUSING

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

6.2.1 Contribution to housing supply

Policy

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

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

52 The NPPF encourages the efficient use of land subject to several criteria set out in para 124. Para 125 applies where there is an existing or anticipated shortage of land for meeting identified housing needs and strongly encourages the optimal use of the potential of each site.

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

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

55 NPPF para 62 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.

56 The application site is within the immediate area which is largely residential in character. The application site is characterised as Urban.

Discussion

57 The proposal is for extensive alterations and extension in order to increase the number of flats from existing 4 (two each property Nos 68 and 70) to 5 flats comprising of one 1b2P flat and four 2b3P flats, as well as a 3B5p dwelling House which would be attached to No 1 Ebsworth Street at the end of terrace of houses.

58 Table below sets out the measures of density criteria required by the supporting text to LPP D3 (para 3.3.22 of the LP) for all sites with new residential units.

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Figure 7 Measures of Density

Criteria	Value	Criteria/area
Site Area (ha)	0.0259	n/a
Units	W 6	W/A 231 U/Ha
Habitable rooms	X 16	X/A 617 Hr/Ha
Bedrooms	Y 12	Y/A 463 Br/Ha
Bedspaces	Z 17	Z/A 656 Bs/Ha

59 Policy D6 of the London Plan States for London to accommodate the growth identified in the plan in an inclusive and responsible way, every new development needs to make the most efficient use of land. This will mean developing at densities above those of surrounding areas on most sites.

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

Summary

61 Subject to the matters set out in the preceding sections of this report, the proposed density would not result in an over intensification of the site and would provide four additional dwellings. The proposed development would increase housing supply in line with the London Plan (2021) and LBL priorities.

6.2.2 Residential Quality

General Policy

62 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).

63 The main components of residential quality are: (i) Internal Space standards; (ii) outlook and privacy; (iii) daylight and sunlight; (iv) noise and disturbance; (v) overheating (vi) external space standards; (vii) accessibility and inclusivity.

Internal Space standards

General Policy

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

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65 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity. The Small Sites SPD has an Inside and Out Toolkit at section 15

Space standards

Policy

66 London Plan Policy D6 and DM Policy 32 seek to achieve housing developments with the highest quality internally and externally in relation to their context.

Discussion

67 The table below sets out proposed dwelling sizes.

Figure 8 Internal space and amenities – proposed

Layout	GIA m ²	Room sizes m ²			Built in storage (m ²)	Amenity space (m ²)	Compliance
		B1	B2	B3			
Flat 1 2b3P	64	12	9		1.8	17	Yes
Flat 2 1b2P Separate entrance	55.5	13			4 (utility room)	10	Yes
Flat3 2b3P	74	10	16		1.5	8	Yes
Flat4 2b3P	66	9	16		2.5	Flat oversized	Yes
Flat5 2b3P	66	9	16		2.2	Flat oversized	Yes
House 3b5P	101	12	7.5	17	2.8	17.5	Yes

68 Table 3.1 of Policy D6 of the London Plan states that the minimum gross internal floor area for 1B2P units is 50m², 2B3P units is 61m², 2B3P over two storey is 70m², and 3B5p units for over 3 storey is 99m². Table 3.1 also sets out the minimum size requirement of a single bedroom to be 7.5m² and 11.5m² for a double bedroom. As indicated in the above table the proposed development would provide adequate gross internal floor areas and room sizes as required with LP policy guidelines.

69 Table 3.1 of Policy D6 of the London Plan sets out the built in storage requirements for 1.5m² for 1B2P units, 2m² for 2B4P units and 2.5m² for 3B4P. All the flats provided internal storage and the minimum requirements are fulfilled.

70 In terms of floor to ceiling height, London Plan Policy D6 states that the floor to ceiling height should be 2.5m for 75% for the GIA of each dwelling. In this proposal the internal height is at the ground, first floor of the host buildings, and the new dwelling are the same as existing (2.55m). The second floors due to the sloped roof would have varied height, but as shown on the section plan, 88% of the height would be 2.5m.

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71 The proposed units would all exceed the minimum requirements in terms of overall floor areas, and in terms of individual bedroom size. It is therefore considered that future occupiers would be provided with a high standard of residential amenity, in line with policy DM32 and the requirements of London Plan.

Outlook & Privacy

Policy

72 London Plan Policy D6 seeks high quality design of housing development and requires development to achieve 'appropriate' outlook, privacy and amenity. Policy D6 seeks to maximise the provision of dual aspect dwellings. This is echoed in DMP 32.

73 London Plan Policy D1(8) requires development to achieve 'appropriate outlook, privacy and amenity'. Policy D4 seeks to maximise the provision of dual-aspect dwellings (i.e. with openable windows on different elevations).

74 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.

Discussion

75 All habitable rooms within the proposed development have at least one window and all have openable windows. The screening would be installed at the enclosed amenity space at the first floor of flat 3. High obscure window would be at the proposed utility room at flat 2. The windows at Flat 5, facing to the rear, towards new dwelling would be obscure. Therefore, all habitable rooms would be provided with adequate outlook and are considered to be acceptable.

76 The private amenity space with a width of 3.2m, between the proposed new dwelling house and the rear of the properties at No 68 and 70 Bovill Road, would provide natural light and ventilation for living and dining rooms at the ground and first floor, and bedrooms at the first and second floor.

77 Regarding the balcony to the flat 3 at the first floor, it is confirmed to have a screening, which due to the location of the windows of the new dwelling and the balcony, and the separation distancing of the flats and the new dwelling, there is no potential of overlooking.

78 Given the above, Officers are of the view that the proposed dwellings would have a good level of outlook and would provide acceptable level of privacy.

Daylight and Sunlight

Policy

79 DM Policy 32 (1) (b) expects new development to provide a 'satisfactory level' of natural lighting for future residents. The London Housing SPD and the Lewisham Small Sites SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces.

80 Daylights and sunlight is generally measures against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context.

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Discussion

- 81 All habitable spaces and bedrooms would have openable windows. Given the size of the proposed development, and as the proposal would have windows in the front and rear elevations, Officers are satisfied that the property would achieve acceptable levels of daylight internally.
- 82 No daylight and sunlight assessment has been submitted, however due to the good levels of glazing proposed to all units, the levels of internal daylight are considered acceptable, in line with Policy DM32.

Noise & Disturbance

Policy

- 83 The NPPF at paragraph 174 should among other things prevent new and existing development from contributing to, being put through an unacceptable risk, from, or being adversely affected by, unacceptable levels of noise pollution. Development should improve local environmental conditions. Paragraph 185 states decisions should mitigate and reduce them to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impact on health and the quality of life.
- 84 LP Policy D14 required residential development to manage noise

Discussion

- 85 The proposed development is located in a residential area. Considering the location, existing use and the size of application site, and as the principle of residential development on upper floors in this location is acceptable, the noise level is considered compatible with the surrounding area. As such, officers are of the view that there would not be negative impact on the amenity of future residential or present neighbours in terms of noise and disturbance.

Overheating

Policy

- 86 LP Policy D6, Part C, mentions that housing development should maximise the provision of dual aspect dwellings. Dual aspect dwellings with opening windows on at least two sides have many benefits including better daylight, a greater chance of direct sunlight for longer periods, natural cross-ventilation, and a greater capacity to address overheating, pollution mitigation, a choice of view, access to a quiet side of the building and greater flexibility in the use of the room.

Discussion

- 87 The proposed building would have openable windows being fitted in front and rear elevations. This would allow for natural cross-ventilation and prevention of overheating. The proposed dwellings are judged acceptable in terms of overheating.

External space standards

Policy

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- 88 Standard 4.10.1 of the Mayor's Housing SPG states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'. This is also set out in London Plan Policy D6, which also emphasises the minimum dimensions and states that private open amenity space must achieve a minimum depth and width of 1.5m.
- 89 The London Plan Housing SPG at paragraph 2.3.32 states that where site constraints make it impossible to provide private amenity space for all dwellings, dwellings may instead be provided with additional living space equivalent to the area of private amenity space requirements.

Discussion

- 90 Amenity space has been provided with the current proposal for Flats 1 (to the front), 2 (to the rear), 3 (a balcony with of 7m²) and the new dwelling (to the rear) would have access to amenity space which are in line with LP D6 guidance. Flats 4 and 5, each, would be oversized by 5m².
- 91 Considering the exiting layout which provides no private or communal amenity spaces for the exiting flats, the above arrangement is considered an improvement to the existing status. On balance, considering the short walking distance to open spaces such as Brockley Hill Park, the overall provision of amenity space is considered acceptable.

6.2.3 Housing conclusion

- 92 Overall, the proposed development is considered to provide an acceptable standard of accommodation, layout, mass and outlook and to contribute to meeting the housing targets for small sites set out in the London Plan and is supported.

6.3 URBAN DESIGN

General Policy

- 93 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.
- 94 Policies D4 and D6 of the London Plan emphasise that the 'scrutiny of a proposed development should cover its layout, scale, height, density, land uses, materials, architectural treatment, detailing and landscaping'.
- 95 Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure the highest quality design, the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites, is sensitive to the local context, and responds to local character.
- 96 DM Policy 30, 31 and 32 requires planning applications to demonstrate site-specific response, which creates a positive relationship with the existing townscape whereby the height, scale, and the mass of the proposed development relates to the urban typology of the area.

Discussion

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- 97 DM Policy 31 states that extensions to existing dwellings are required to be of a high quality, site specific, and sensitive design quality, and to respect and/or complement the setting, period, architectural characteristics and detailing of the original Building external features, such as chimneys and porches. It further states that high quality matching or complimentary materials should be used in relation to the context.
- 98 The Alterations and Extensions SPD sets out in section 5.14 that additional storeys are only likely to be acceptable on a flat roof, and that additional storeys needs to be subservient and lightweight. Section 5.14 of the SPD goes onto state that additional storeys should be set back from all sides

6.3.1 Appearance and character

- 99 *Alteration to Bovill Road Streetscene:* The front elevation of the two terraced houses at the first and second floor would not change from that previously approved. Minor changes to the ground floor would be reducing the number of entrances from two to one, by retaining the existing entrance door towards No 70 and replacing the second existing entrance with a window. Amendments were carried out to ensure that the new fenestration would be in harmony with the windows at the upper floors, and therefore these alterations are not expected to have any adverse impact on the streetscene.
- 100 *Alterations to Ebsworth Streetscene:*
- 101 *The new proposed house:* it would be attached to No 1 Ebsworth Street which is at the end of terrace of houses, would replace the existing disused garages, which would be demolished. The new dwelling would be a three storey with a sloped roof and modern design in terms of materials. The new dwelling, at the ground floor, would build at the same place as the existing garage. The top floors above would set back from the ground floor elevation and would align with established building line at the ground floor. The eaves and ridge height would be the same as No.1 Ebsworth Street. The slope of the roof would have similar angle of the main roof at No 1 different from No 1 Ebsworth Street and with set back at top floors, although it would appear distinguishable, it would have an acceptable design relationship with the terraced properties, by appearing subordinate and on balance its impact on the streetscene is acceptable.
- 102 *Extensions to the rear:* The proposed extension to build another storey on the rear outrigger of No.68 is very similar to a recent application which was allowed by the inspector on appeal APP/C5690/W/18/3217538 and also granted permission ref: DC/20/116792. The only difference is the fenestrations. The size and position of the windows at the first and second floors would be more similar to the existing windows, in comparison with DC/20/116792, but in modern style.
- 103 The design of proposed development would not replicate the existing style of the terraces along Ebsworth Street, but as the previous application approved under reference DC/20/116792 had not refused the alterations to the street scene, it would also be acceptable here. The report of the granted permission ref: DC/20/116792 has stated that *'it is considered the proposed house would improve the street scene in this section of Ebsworth Street, by replacing the old garages, which are dilapidated in appearance, with a new high-quality dwelling. Officers note that two of the objectors expressed positive comments towards the redevelopment of the site of the garages.* This assessment is valid for the current proposal and is acceptable.

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- 104 The entrance doors are amended to the front and side to be similar, and new windows would be in harmony with the other block of flats on the other side of the road, in terms of size and style.
- 105 The flat roofed block of flats opposite the proposal site also provides a kind of mirroring which makes the proposed development not obtrusive.

Figure 9 CGI form Ebsworth Street



Layout

- 106 The relationship between the host buildings at Nos 68 and 70 Bovill Road and the surrounding properties will remain as existing. The area at the back would be improved as the disused garages would be demolished and a new dwellinghouse would be constructed, with main entrance on Ebsworth Street.
- 107 Retaining part of the original rear garden with an open space between the buildings, open amenity space at the ground floor, providing different access doors to flats, and being a car free scheme, would establish a suitable layout which is supported.

Detailing and Materials

- 108 Although limited, detail is provided for the material to be used for this proposal, the application indicates that the proposed materials for the rear extensions and the new build dwelling would match the existing, which would be secured by a condition.
- 109 An objection was received regarding zinc cladding for roof which would be out of character for the area. It is noted that the same materials are supported under the approved DC/20/116792 and appeal APP/C5690/W/18/3217538, in which the inspector states '*The use of contrasting materials would attract the eye, but it would add visual interest to the composition of the building as a whole.*'

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6.3.2 Accessibility and inclusivity

- 110 The entrance from Bovill Road would give access to flat 1, 3, 4, and 5, the same as existing. Flat 2 and the new dwelling would have separate access from Ebsworth Street. The existing access arrangement around the proposal site would remain as it is, and there would be step free access from the pavement to the various entrances to the proposed development.
- 111 There is no access for wheelchair users to upper floor flats, however given the appeal position and as no affordable unit is provided, applying Policy D7 flexibly is judged permissible in this instance, and the lack of wheelchair access is not considered to be a reason for refusal. Planning Officers note the uplift in quality and amenity space compared to the existing units on the site.

Landscaping & Boundary Treatments

- 112 There would be no alterations to the boundaries along Bovill Road. A new black stained timber fence would be introduced along Ebsworth Street which would serve cycle storage, similar to the one in approved proposal DC/20/116792. There would be a separating fence between the new dwellinghouse and the rear of Nos 68 and 70. There are no alterations to the proposed scheme in terms of boundary and landscaping treatments compared with the previously approved scheme, other than change of surface area of the enclosed private gardens to the rear. Final details and the material related to landscaping and boundary treatments would be secured by condition.
- 113 Cycling and refuse storage would be provided on the southern and eastern elevations and Officers raised no objection to the location of these storage.

Summary of Urban Design

- 114 In summary, subject to the final details being secured by condition the proposed development is considered to improve the character and appearance of the proposal site and result in making a positive contribution to street scene of Ebsworth Street.

6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 115 CP15, DMP31(c) and the provisions of the Alterations and Extensions SPD are relevant.

Discussion

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

Enclosure/Outlook

Policy

- 117 DMP 32 expects new residential development to result in no harmful increased sense of enclosure and no significant loss of outlook to neighbouring dwellings.

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118 Whilst not directly applicable as the site has an area of 0.28 ha, the Small Site SPD in subsection 12.3 provides guidance in respect of separation distances.

Discussion

119 Objections were received regarding creating a sense of enclosure by the extension to the rear and the new three-storey dwelling on the properties at Bovill Road. The previously approved application ref: DC/20/116792 had indicated that the impact of the proposed development on the amenities of its neighbours would not be adverse. However, there are minor differences in this application which are addressed below.

120 Officers acknowledge that the three-storey element would introduce different height to what was assessed within DC/20/116792. The gap between the rear of Nos 68 and 70 Bovill Road and the proposed new dwellinghouse has increased from 2.8m to 3.2m, which provides additional privacy between the two dwellings. The second-floor element would be similar to the approved first floor, considering the size of the back garden of No 72, their open amenity space, the presence of existing buildings, and the distance from the rear facing windows, the proposed house would not cause a significant sense of enclosure for No 72.

121 Considering the orientation of the properties it is not considered that there would be any harm to level of the daylight and sunlight of neighbouring properties.

122 The rear elevation of the house would be at least 15m away from the rear elevations of Bovill Road properties to the south (76 to 82), which is a sufficient distance to ensure a development of this scale would not cause a harmful loss of outlook or cause a sense of enclosure for these properties.

123 Regarding No.1 Ebsworth Street, the new proposed house would be attached to No 1 Ebsworth Street which is at the end of terrace of houses, would replace the existing disused garages, which would be demolished. The rear of the new house would not protrude past the rear elevation of No.1 so there would be no harm to the rear facing windows, or rear garden in terms of enclosure or daylight and sunlight. At ground floor level, the proposed house would protrude in front of the elevation of No.1 by 2.5m, from a distance of 1.5m away. As the existing garages sit in front of the front building line, and due to the 1.5m set away, this would not harm the outlook of, nor cause a sense of enclosure to the front facing windows.

Privacy

Policy

124 London Plan Policy D6 seeks high quality design of housing development and requires developments to achieve 'appropriate outlook, privacy and amenity'. Policy D6 also seeks to maximise the provision of dual aspect dwellings. This is echoed in DM policy 32 and Small Sites SPD section 12.4 (Privacy, overlooking and aspect).

Discussion

125 The assessment of the rear extension and its impact on the privacy amenities of Nos 72 and 74 is the same as the granted proposal ref: DC/20/116792 and the inspector assessment under appeal APP/C5690/W/18/3217538.

126 The privacy impact of the new three storey dwelling as shown on the Plan 21-1395-04 which shows 25 and 45 degree test of rear windows at No 72. Due to the separation, the

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angle of the buildings, it is not considered that the window at the second floor at the new dwelling would have any adverse impact on the privacy of No 72 in comparison with the approved windows at the first floor in approved application DC/20/116792.

- 127 The arrangement of the open amenity spaces for ground floor flat at the back of Nos 68 and 70 Bovill Road and the new dwellinghouse has changed, increasing the potential of adverse impact on privacy, which has been mitigated by making windows obscure.
- 128 Concerns were raised regarding the impact of the first-floor balcony (serving Flat 3) on the amenity of the new dwelling as it would have windows to the side. As there would be a distance of 3.5m, between the flat and the new dwelling and a screening to the balcony is also proposed, given that the windows to the dwelling's bed room would not be directly facing towards the balcony, on balance it is not expected to have any adverse privacy amenity impacts.
- 129 Concerns raised also regarding the noise distribution during the construction work. Officers recognise that during implementation of the development there would be a significant amount of noise and disturbance from construction related activity. This is a relatively short-term impact and given the scale of the proposed development, it is not considered to be too adverse.

Daylight and Sunlight

Policy

- 130 London Plan Policy 6 states that the design of new development should provide sufficient daylight and sunlight to surrounding housing appropriate to its context. DMP 32 is in line with this.
- 131 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards, however, this is not formal planning guidance and should be applied flexibly according to context.

Discussion

- 132 The impact of the extension was approved under DC/20/116792 and appeal ref C5690/W/18/3217538. In the granted permission in 2020, it was discussed that *'The front elevation of Ebsworth Court is approximately 14m to the north of the side elevation of No.68, the host property. The existing outrigger is 5.5m in height, and as a result of the extension its height would be 8.5m. It is acknowledged that this would change the view from the front facing windows within Ebsworth Court, however, due to the separation distance, there would be no harmful loss of outlook to these windows. Although no daylight and sunlight impact report has been submitted, officers consider there would not be a significantly harmful impact on levels of daylight or sunlight'*.
- 133 The increase in height of the new dwelling is the main concerns here, and objections have been received for the impact on the sunlight and daylight of the back gardens of the properties at Bovill Road. A plan has been provided Plan 21-1395-04) showing the daylight angle. Given that previously the impact of a two-storey building has not been assessed as adverse, the separation distance of the houses, the form of the sloped roof, and direction of sun, suggest that there would be no harmful impact on the provision of daylight and sunlight to the habitable rooms or gardens of neighbouring properties.

Noise and disturbance

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134 *Policy*

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

Discussion

136 Concerns have been raised by neighbouring residents that the proposed development would result in an unacceptable level of noise disturbance. Officers note there would be no change in the use of the land: the proposed development would be residential and any noise coming from the site will be residential in nature, the same as the surrounding properties. Based on this, Officers are satisfied that the proposed development would not result in any unusual levels of noise for residential areas that would require mitigation.

137 Officers recognise that during implementation of the development there would be noise and disturbance from construction activity. This is a short-term impact and given the scale of the proposed development, it is not considered to be too adverse. A Construction Management Plan is proposed to be secured by condition.

6.4.1 Impact on neighbours amenities; Conclusion

138 In the light of the previous planning history, and the above assessment, 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.

TRANSPORT IMPACT

Policy

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

Discussion

140 The site has a PTAL rating of 3 / 4, on a scale of 0 (worst) to 6b (best) accessibility to public transport, meaning access to public transport is good and the scheme is car free.

Car parking

Policy

141 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.

142 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

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- 143 The proposal is not considered to result in loss of parking to the surrounding area, as the garages have not been used for parking in the recent past.
- 144 As indicated in the previously approved planning application the redundant crossovers to the garages should be removed, which would result in an additional 2 on-street parking spaces. A condition would be secured to make sure that the pavement is reinstated at the developers cost, prior to occupation of the residential properties.
- 145 As the proposal is a minor development, and would result in 6 dwellings compared to the existing 4, it would not have a significant impact on parking in the surrounding area, and no off-street parking is proposed.

Cycle parking

Policy

- 146 LP T5 states that development proposal should help remove barriers to cycling and create health environment in which people choose to cycle. This will be achieved through supporting the delivery of a London-wide network of cycle routes; and securing the provision of appropriate level of cycle parking which should be fit of purpose, secure and well-located. Cycle parking is expected to be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. Development proposals should demonstrate how cycle parking facilities would cater for large cycles including adapted cycle for disabled people.

Discussion

- 147 The proposal shows space for a bicycle store for 10 bicycles. A further bicycle store with space for 2 bikes is also provided in the entrance hall accessed from Bovill Road. These provisions will be secured by condition.

Servicing and refuse

Policy

- 148 CSP 13, Part 4, requires that recycling facilities are well-designed and incorporated in the new development.
- 149 DMLP 29 requires new development to have no negative impact upon the safety and suitability of access and servicing.

Discussion

- 150 Within the forecourt of No.70 refuse storage for 4 bins for the 5 flats would be provided. The proposal includes space for 2 refuse storage bins for the proposed house to the front. As in the previously approved scheme, it is recommended that an additional refuse bin is provided for Unit 1, within the forecourt to the front, to ensure sufficient space for refuse storage for the proposed number of residents. These details would be secured by condition.

6.4.2 Construction Management Plan

- 151 The applicant has not provided a Construction Management and Logistics Plan, which would be needed and would be secured by condition.

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- 152 Furthermore, deliveries during construction should not take place outside of the hours of 9:30am to 3.15pm and from 8am to 6pm during school holidays. The site delivery times will be subject to 'Just in time delivery' to avoid queues on road and limit disturbance to the other residents in the area, which would be secured by a condition. Subject to condition, the construction related impacts of the development are acceptable.

Transport impact conclusion

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

SUSTAINABLE DEVELOPMENT

General Policy

- 154 Para 153 of the NPPF requires Local Planning Authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.
- 155 CS Objective 5 reflects the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DM Policy 22 support this. Small Sites SPD section 11 and 21 provides guidance on sustainability.

6.4.3 Energy and carbon emissions reduction

Policy

- 156 LPP SI2 states that major development should achieve zero carbon and should minimise to peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.

Discussion

- 157 A report is provided by the applicant demonstrating energy changes, Outline Energy Statement. The application is not a major development (as only 6 units are proposed) and as such the provision of LP SI2 does not apply, and although the applicant has not provided adequate details for example on water usage, due to the size of the scheme it is not objectionable.

Flood Risk

Policy

- 158 LPP SI12 requires development proposals to ensure that flood risk is minimised and mitigated.

Discussion

- 159 The application site lies outside of Flood zones 2 and 3 and is therefore at low risk of flooding. The Flood Risk Team raised no objection to the proposal.

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7 LOCAL FINANCE CONSIDERATIONS

160 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).

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

162 The CIL is therefore a material consideration.

163 £ 6,819.46 Lewisham CIL and £4,505.71 MCIL is estimated to be payable on this application with a total of £11,325.17, 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

164 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.

165 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.

166 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.

167 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

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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>

- 168 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
- 169 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>
- 170 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

- 171 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
- 172 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.
- 173 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

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174 This application has the legitimate aim of providing increase in the number of flats to 5 and a new dwelling house with residential uses. 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

175 The assessment of the current proposal has been considered against approved proposal under allowed appeal ref: APP/C5690/W/18/3217538 (dated 29 July 2019) and the approved permission ref: DC/20/116792.

176 This application has been considered in the light of policies set out in the development plan and other material considerations, including the recently adopted Small Sites SPD.

177 In urban design terms, the proposed development is considered to enhance the appearance of the existing building and garages and would restrain, partially, the garden area. It is of an appropriate height and scale, and would use suitable materials; and therefore, it is considered that the proposed scheme would not result in adverse impact on the character and appearance of the area and the streetscape. The current proposal is broadly commensurate with the approved scheme.

178 In terms of standard of accommodation, the development would fulfil the requirement and is considered acceptable.

179 In terms of transportation, the scheme is not expected to have any adverse impact on the current traffic or parking arrangements on the transport network.

180 Overall, given the contribution to housing supply, efficient use of land, the improvement to the granted proposal in 2019 and 2020, with no adverse impact on highways and residential neighbouring amenities, the application is recommended for approval subject to the conditions set out in section below.

11 RECOMMENDATION

181 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

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

21-1396-03; DAT/9.1; Site Location Plan (received 13 Dec 2021)

21-1396-04; CGI 1; CGI 2 (received 13 Jun 2022)

21-1396-01Q; 21-1396-02G; 21-1396-05A (received 01 Jul 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/other site-specific features including the balustrading for the terraces and the gates to be used on the buildings 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 RECYCLING**

(a) Details for the on-site storage, disposal and collection of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority prior the completion of above ground works of development hereby approved. Such details shall include the volumes of storage to be provided for dry recycling, general waste, food waste and garden waste.

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

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

5) **CYCLE PARKING**

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(a) Prior to above ground development, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority. Such details shall be provided in secure and covered stores which demonstrably meet the provisions of the London Cycling Design Standards

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

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

6) **HARD and SOFT LANDSCAPING**

(a) Prior to above ground works drawings showing hard and soft landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) and drainage system (particularly to the front of the crossover), and water surface at the rear courtyard shall be submitted and approved in writing by the local planning authority.

(b) A scheme of soft landscaping (including details of any hedges to be retained and proposed plant numbers, species) and shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(c) All hard and soft 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.

7) **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 for the lifetime of the development.

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).

8) **CLOSURE OF EXISTING ACCESS**

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

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

9) **REMOVAL of PD RIGHTS**

No extensions or alterations to the building(s) hereby approved, whether or not permitted under Article 3 to Schedule 2, Part 1 Classes A-G inclusive of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

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

10) **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 to side elevations at the ground and second floors of the building hereby approved ref: 21-1396-01Q REV Q and 21-1396-02G REV G shall be fitted as obscure glazed to a minimum of Level 4 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 infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

11) **USE OF AMENITY SPACE**

The whole of the amenity space as shown on the plans hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

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

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12) CONSTRUCTION HOURS

No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 9:30am to 3.15pm and from 8am to 6pm during school holidays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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

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

13) USE OF FLAT ROOF

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

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on back gardens and amenity areas of the Development Management Local Plan (November 2014).

14) 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.

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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).

15) **SCREENING TO FIRST FLOOR TERRACE**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), prior to above ground development, full details of the privacy screening as shown on Plan No 21-1396-01Q REV Q and 21-1396-02G REV G shall be submitted to and approved in writing by the local planning authority, 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 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).

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) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- 3) 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.
- 4) 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.

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- 5) You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- 6) It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The applicant is advised to refer to the Health and Safety website for relevant information and advice.

12 BACKGROUND PAPERS

- 182 Submission Drawings, CGI and Photos
- 183 Submission Technical Reports and Documents

13 REPORT AUTHOR AND CONTACT

- 184 Zahra Rad (Planning Officer)
- 185 Email: Zahra.Rad@lewisham.gov.uk
- 186 Telephone: 020 831 49153

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