



Planning Committee C

Report title:

57C RINGSTEAD ROAD, LONDON, SE6 2BU

Date: 21 July 2022

Key decision: No.

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

Class: Part 1

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

Ward(s) affected: Rushey Green

Contributors: Antigoni Gkiza

Outline and recommendations

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

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

Application details

Application reference number(s): DC/22/125720

Application Date: 27 February 2022

Applicant: Mr Cohen on behalf of the applicant

Proposal: Construction of a single storey side and rear wrap-around extension at lower flat 57C Ringstead Road, SE6.

Background Papers: Submission drawings
Submission technical reports
Statutory consultee responses

Designation: PTAL 5
Air Quality
Area of Archaeological Priority - Lewisham and Catford/Rushey Green

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 This application relates to the ground floor Flat C of a two-storey end-terrace property located on the northern side of Ringstead Road, at No 57. The property has been converted into three flats and features a basement lightwell in the front elevation, which appears as ground floor at the rear due to the downward sloping land.
- 2 The property benefits from a two storey rear projection and a moderate size rear garden. The entrance to Flat C is on the rear elevation of the three storey rear projection.

Character of area

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

Heritage/archaeology

- 4 The property is not located within a conservation area, nor is it, or close to, a listed building or non-designated heritage asset.
- 5 The site falls within an Area of Archaeological Priority - Lewisham and Catford/Rushey Green.

Surrounding area

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6 The site is located close to Mountsfield Park, Catford Centre and Salvation Army Church.

Local environment

7 The site falls within an Air Quality Management Area.

Transport

8 The site has a Public Transport Accessibility Level (PTAL) score of 5 on a scale of 1-6b, 1 being lowest and 6b the highest. Catford Bridge station is the closest station to the pre-application site, it is 0.5mi from the pre-application site and an approximate 11 minute walk.

2 RELEVANT PLANNING HISTORY

9 **DC/06/062685/FT** – The construction of a single storey extension to the rear of the ground floor flat at 57C Ringstead Road SE6 together with alterations to the side elevation and the provision of new garage gates. **Granted** 20 July 2006.

10 **PRE/19/114018** – Three storey rear extension at 57C Ringstead Road. **Advice Note** issued 28 October 2019.

11 **DC/20/119259** – Construction of a part single/part 2 storey side and rear extension at 57C Ringstead Road SE6, to convert the existing 1 bedroom unit into a 2 bedroom self-contained unit. **Refused** 27 January 2021. **Reasons** for refusal:

- The proposed part one/part two-storey rear extension by reason of its appearance and lack of subservience, would appear as an incongruous and overly dominant addition to the host building that neither respects or complements the form, setting, period or architectural character of the original building and would extend over half the depth of the rear garden and erode the spatial quality of the existing streetscene, being contrary to Paragraph 127 of the National Planning Policy Framework (2019); Policies 7.4 'Local Character' and 7.6 'Architecture' of the London Plan (March 2016); Policy 15 'High quality design for Lewisham' of the adopted Core Strategy (June 2011), and DM Policies 30 'Urban design and local character' and 31 'Alterations and extensions to existing buildings including residential extensions' of the Development Management Local Plan (November 2014) and the Alterations and Extensions Supplementary Planning Document (April 2019).
- The proposed part one/part two-storey rear extension by virtue of its design, siting and scale, would create an overbearing and unacceptable sense of enclosure and loss of visual amenity from the rear windows and garden of 55 Ringstead Road 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', of the London Plan (March 2016); Policy 15 'High quality design for Lewisham' of the adopted Core Strategy (June 2011), and DM Policies 30 'Urban design and local character' and 31 'Alterations and extensions to existing buildings including residential extensions' of the Development Management Local Plan (November 2014) and Alterations and Extensions Supplementary Planning Document (April 2019.)

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12 **DC/21/123292** – Construction of a single storey side and rear extension at 57C Ringstead Road SE6. **Refused** 3 November 2021. **Reasons** for refusal:

- The proposed side and rear extension by reason of its scale and siting, would appear as an incongruous and overly dominant addition to the host building that neither respects or complements the form, setting, period or architectural character of the original building and would extend over half the depth of the rear garden and erode the spatial quality of the existing streetscene, being contrary to Paragraph 130 of the National Planning Policy Framework (2021); Policy D1 'London's form, character and capacity for growth', and Policy D3 'Optimising site capacity through the design-led approach' of the London Plan (March 2021); Policy 15 'High quality design for Lewisham' of the adopted Core Strategy (June 2011), DM Policy 31 'Alterations and extensions to existing buildings including residential extensions' of the Development Management Local Plan (November 2014), and the Alterations and Extensions SPD (April 2019).
- The proposed rear extension by virtue of its siting and scale, would create an overbearing and unacceptable sense of enclosure and loss of visual amenity from the rear window of the ground floor front flat at 57 Ringstead Road resulting in material harm to the living conditions of neighbours contrary to Paragraph 130 of the National Planning Policy Framework (2021); Policy 15 'High quality design for Lewisham' of the adopted Core Strategy (June 2011), and DM Policy 31 'Alterations/extensions to existing buildings' and DM Policy 32 'Housing, design, layout and space standards' of the Development Management Local Plan (November 2014), and the Alterations and Extensions SPD (April 2019).

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

13 Construction of a single storey side and rear wrap-around extension at lower flat 57C Ringstead Road, SE6.

3.2 COMPARISON WITH PREVIOUS SCHEME

14 In contrast with the previous scheme that included a similar development, the depth along the shared boundary with No 55 has been reduced to 7.2m from 8.8m. The height of the side extension has been reduced and as such it would not be visible from the street scene.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

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

4.2 APPLICATION PUBLICITY

16 Site notices were displayed on 11 April 2022.

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

18 Three responses received, comprising three objections.

4.2.1 Comments in objection

Comment	Para where addressed
Overly dominant development that does not complement the character of the host property and the surrounding area.	42, 44, 45 & 46
Bad design which reduces amenity space to adjoining properties.	42, 53 & 54
Excessive depth of proposed development	42, 44, 45 & 46
It would set a negative precedent	46
Creation of sense of enclosure	53, 54 & 55
Adverse visual impact to the street scene	46

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

20 Loss of outlook to the basement room of 57A that would increase transient population;

21 The proposed courtyard would create a dead space.

22 Officer comment: The above concerns are not considered materials planning considerations.

4.3 INTERNAL CONSULTATION

23 No Internal Consultees were notified given the nature of the application.

4.4 EXTERNAL CONSULTATION

24 No External Consultees were notified given the nature of the application.

5 POLICY CONTEXT

5.1 LEGISLATION

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

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5.2 MATERIAL CONSIDERATIONS

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

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

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

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

29 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

30 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

6 PLANNING CONSIDERATIONS

31 The main issues are:

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

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6.1 PRINCIPLE OF DEVELOPMENT

General policy

- 32 The National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.
- 33 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

6.1.1 Principle of development conclusions

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

6.2 URBAN DESIGN

General Policy

- 35 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 36 CSP 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 37 DMLP 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Core Strategy and DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.
- 38 DMP 31 states that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area.

Policy

- 39 According to the Alterations and Extensions SPD the height of infill or wrap around extensions will be dependent on the scale of the outrigger, width of the garden and depth of the proposed extension. As a general rule, extensions extending up to 3m in length should be no more than 3m in height, beyond that the height needs to be considerate of the impact of the adjacent property. Extensions which exceed 3m in length and exceed a height of 2.5m on the boundary are unlikely to be supported. Under no circumstances should the extension take up more than half the depth of the original rear garden/yard to avoid the overdevelopment of sites. Pitched roofs should not wrap around first floor windows and there should be at least the height of 2 to 3 bricks between the highest point of the roof of the extension and any first floor window in the host property. Single storey infill extensions can, if too high have a detrimental impact on neighbouring amenity, particularly in terms of sense of enclosure, daylight and outlook.

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40 Section 4.4.4 of the Alterations and Extensions SPD states that single storey side extensions should be subordinate to the host property, respect the proportions of the existing building and should not dominate the original house footprint. The roof form should complement the character of the original building. The extension should not project forward of the front facade and should normally be set back by a minimum of 150 mm - or the distance set by good quality precedent. The width of a side extension should be no more than half the frontage width of the original property.

Discussion

41 Officers contacted the applicant during the application process to discuss the scheme and invite amendments to the proposal. The below assessment is based on the revised drawings received on 20 May 2022.

42 The proposed wrap around extension would have a total width of 5.5m, the western infill part would feature a sloping roof of 2.5m height, rising to 2.9m at roof level, and its northern part would feature a flat roof of 2.9m. The infill part of the extension would be set forward by approximately 3.3m from the rear elevation of the main building creating a small enclosed courtyard, which will not be accessible, and would extend by 7.2m along the shared boundary. The proposed wrap around extension would project forward from the rear elevation of the two-story projection at a depth of 3.95m. The proposed wrap around extension would achieve an acceptable level of subservience to the host building, as it would sit visibly lower from the sill of the first floor window and more than half of the original garden would remain.

43 The proposed side extension would extend past the side elevation of the main building by 0.8m, it would adjoin the boundary wall with Cudham Street and would extend from the rear elevation of the main building towards the northern part of the application site at a depth of 10.8m and a height of 2.5m.

44 It is noted that the existing fence that subdivides the garden would be removed and the brick pillars on the boundary wall along Cudham Street would be relocated 3.3m further to the north. In addition, the original garden has an approximate size of 85m², which after the construction of the proposed development would be reduced to 44m². Therefore, more than 50% (52%) of the garden would remain which is in line with Policy DM 31.

45 It is noted that Nos 67 and 69 Ringstead Road benefit from large wrap around extensions. Although, the proposed development would infill a substantial section of the rear garden due to the fact that only a small part would be visible from the street scene, it is not considered such a prominent addition. Officers note that the scale of the proposed scheme has been significantly reduced in comparison to the previously refused scheme and the current proposal has addressed the concerns raised.

46 The proposed materials would comprise external walls finished in London stock brick to match the existing, aluminium framed double glazed windows, roof lights and doors and felt roof. All of the proposed materials are considered of high quality and to complement the character of the main property and as such they are considered acceptable.

6.2.1 Urban design conclusion

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

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

6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

49 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 185 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions

50 This is reflected in relevant policies of the London Plan (D3), the Core Strategy (CP15), the Local Plan (DMP 31) and associated guidance (Alterations and Extensions SPD 2019).

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

52 Daylight and sunlight are generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context

Discussion

53 On the adjoining boundary wall with No 55 Ringstead Road, the proposed wrap around extension would have a depth of 7.2m and a height of 2.5m, rising to 2.9m at roof level. One window is proposed to be installed on the side elevation of the rear projection at ground floor level, which would be obscured glazed and as such it would not have any negative impact on the neighbouring amenity of No 55 in terms of loss of privacy. It is noted that there is an existing fence of 2.1m that separates the two properties that would be retained.

54 The infill part of the extension would be set forward by approximately 3.3m from the rear elevation of the main building creating a small enclosed courtyard. Officers note that the infill part of the proposed extension has been significantly reduced in depth comparing to the previous scheme and as such it not considered that it would appear as a visually obtrusive form of development. The distance from the rear elevation has been increased to 3.3m from 2m and the depth along the shared boundary with No 55 has been reduced to 7.2m from 8.8m. Therefore, the proposed development would not have such an adverse impact on neighbouring amenity that would warrant a refusal.

55 The proposed development would have no impact on the amenity of the properties that adjoin the rear boundary of the site due to the sufficient separation distance and the presence of dense and high vegetation. In addition, the application site is an end-terrace property and is located at a sufficient distance from the opposite property at No 59 Ringstead Road.

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6.3.1 Impact on neighbours conclusion

56 The proposed development would not introduce any unacceptably harmful impacts to the living conditions of any of the neighbouring properties and therefore would be compliant with LPP D3, CSP 15 and DMP 31 and the provisions of the 2019 SPD.

7 LOCAL FINANCE CONSIDERATIONS

57 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).

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

59 The CIL is therefore a material consideration.

60 This application is householder development that yields an extension of less than 100sqm, and therefore does not attract a CIL charge.

8 EQUALITIES CONSIDERATIONS

61 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

62 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

63 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

64 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn

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to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

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

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

66 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

67 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

68 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

69 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.

70 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,

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carefully consider the balance to be struck between individual rights and the wider public interest.

- 71 This application has the legitimate aim of providing a new building to an existing residential property. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

- 73 In conclusion, the proposal is overall considered acceptable in its design, scale, materials and impact on neighbouring amenity.

- 74 In reaching this recommendation, Officers have given weight to the comments and objections that were received regarding this application and consider the proposed development would preserve the host building in terms of design. No unacceptable harm would arise to the living conditions of neighbours, therefore Officers recommend that planning permission should be granted subject to the imposition of suitable planning conditions.

11 RECOMMENDATION

- 75 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) **DEVELOP IN ACCORDANCE WITH THE APPROVED PLANS**

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

057RR - A - 00 - 001; 057RR - A - 00 - 002; 057RR - A - 03 - 001; 057RR - A - 03 - 002; 057RR - A - 03 - 003; 057RR - A - 05 - 001; 057RR - A - 05 - 002; 057RR - A - 06 - 001; 057RR - A - 06 - 002; 057RR - A - 06 - 003; 057RR - A - 06 - 004; 057RR - A - 19 - 001; 057RR - A - 19 - 002; 057RR - A - 03 - 101; 057RR - A - 03 - 102; 057RR - A - 03 - 103; Proposed Section 1 of 2; Proposed Section 2 of 2; 057RR - A - 06 - 101; 057RR - A - 06 - 102; 057RR - A - 06 - 103; 057RR - A - 06 - 104; 057RR - A - 19 - 101; 057RR - A - 19 - 102 (Received 20/05/2022)

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

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.

12 BACKGROUND PAPERS

- 76 Submission drawings
- 77 Submission technical reports and documents
- 78 Statutory consultee responses

13 REPORT AUTHOR AND CONTACT

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