



## Planning Committee A

### 8 BROCKLEY VIEW, LONDON, SE23 1SN

**Date:** 20 October 2022

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** Crofton Park

**Contributors:** Zahra Rad

### Outline and recommendations

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

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

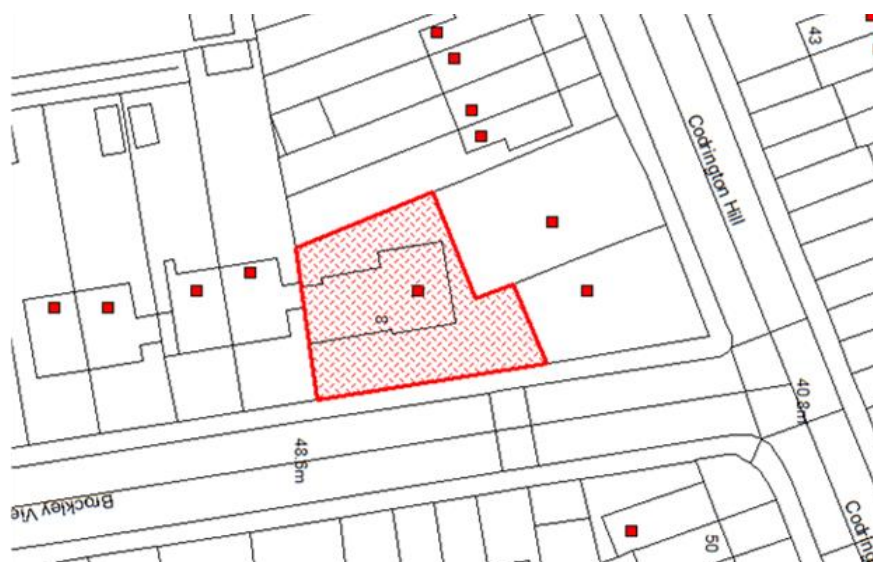
## Application details

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

## 1 SITE AND CONTEXT

### *Site description and current use*

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



Map 1 Site Location Plan



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### ***Character of area***

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



**Figure 1 Aerial View of the Application Site**



### ***Heritage/Archaeology***

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

### ***Transport***

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

## **2 RELEVANT PLANNING HISTORY**

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

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

### 3 CURRENT PLANNING APPLICATION

#### 3.1 THE PROPOSALS

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

***Additional storey on top of the single storey***

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

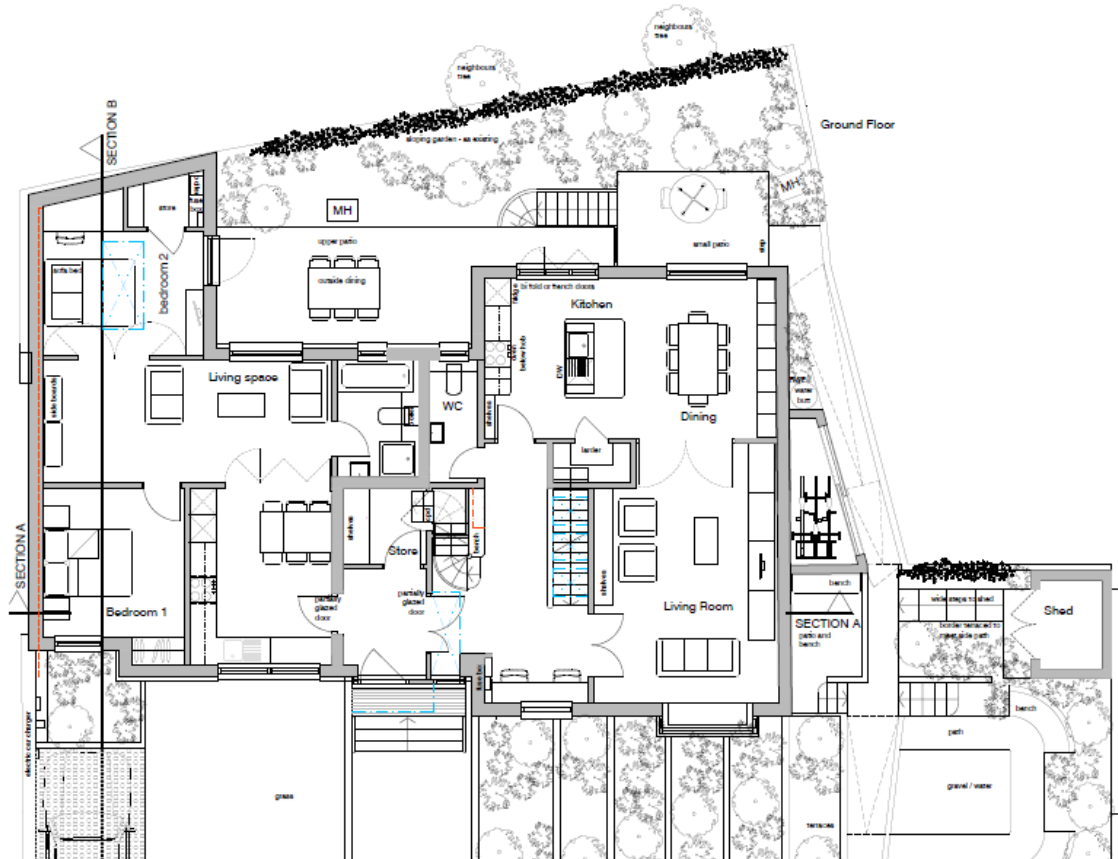
***Single storey extension to the rear***

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

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**Figure 2 the Proposed Ground Floor Plan**

***Changes to the roof profile***

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

***Alteration to the lower ground floor***

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

***Alteration to the fenestrations and front entrance***

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

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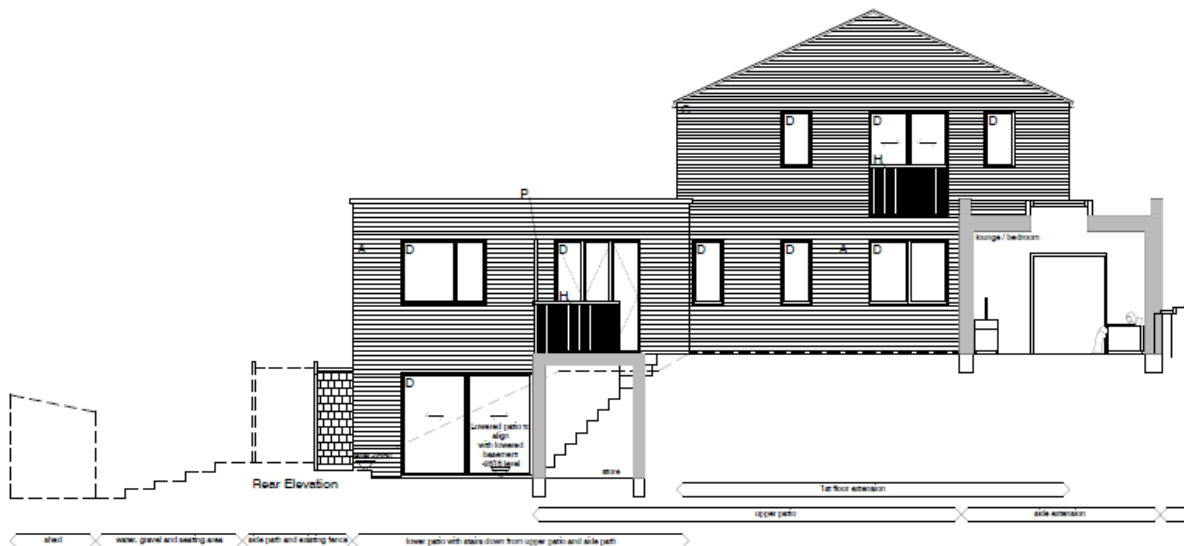
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**Figure 3 Proposed Front Elevation**

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



**Figure 4 Proposed Rear Elevation**

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

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**Figure 5 Proposed Side Elevation**

***Alterations to the landscaping***

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

***Materials***

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

**4 CONSULTATION**

**4.1 APPLICATION PUBLICITY**

19 Site notices were displayed 17 May 2022.

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

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

#### 4.1.1 Objection

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

#### 4.1.2 Non-material Planning concerns were raised regarding:

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

## 4.2 INTERNAL CONSULTATION

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

## 4.3 EXTERNAL CONSULTATION

23 No external consultees

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## **5 POLICY CONTEXT**

### **5.1 LEGISLATION**

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

### **5.2 MATERIAL CONSIDERATIONS**

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

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

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

### **5.3 NATIONAL POLICY & GUIDANCE**

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

### **5.4 DEVELOPMENT PLAN**

28 The Development Plan comprises:

- London Plan (March 2021) (LP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)
- Site Allocations Local Plan (June 2013)
- The Neighbourhood Plan For Crofton Park and Honor Oak Park (HopCroft Plan) 2017-2027

### **5.5 SUPPLEMENTARY PLANNING GUIDANCE**

29 Lewisham SPG/SPD:

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- Alterations and Extensions Supplementary Planning Document (April 2019)

30 London Plan SPG/SPD:

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

## 6 PLANNING CONSIDERATIONS

31 The main issues are:

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

### 6.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

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

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

#### 6.1.1 Principle of development conclusions

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

#### *Use of the property*

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

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

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

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

### ***Conversion of the parking***

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

## **6.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS**

### *General Policy*

- 39 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 40 CSP 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 41 DMLP 30 states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Core Strategy and DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.
- 42 DMP 31 states that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area.
- 43 LP HC1, CSP 15 and 16, DMLP 30, 31 and the provisions of the Alterations and Extensions and Policies BE1 and BE2 of the Neighbourhood Plan For Crofton Park and Honor Oak Park reflect this and are relevant.

### *Discussion*

- 44 DMP 30 requires planning applications to demonstrate a site-specific response, which creates a positive relationship with the existing townscape whereby the height, scale, and mass of the proposed development relates to the urban typology of the area.

### ***Appearance and character***

- 45 *Additional storey:* due to the shape of the building, the additional storey has been assessed under DMP 31 and section 5 'Flat roof' and sub section of 5.3.15 'Design considerations' of SPD. The policy states that proposals "will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, and detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context". The guidance states that:

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

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

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**Figure 6 Comparison of Proposed and Existing Front Elevation**

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

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

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

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

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

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

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

#### ***Alteration to the Fenestration***

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

#### ***Alterations to the landscaping***

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

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

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

### ***Detailing and Materials***

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

### **6.2.1 Urban design conclusion**

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

## **6.3 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

- 66 NPPF para 126 and 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 185 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.
- 67 This is reflected in relevant policies of the London Plan (D3), the Core Strategy (CP15), the Local Plan (DMP 31) and associated guidance (Alterations and Extensions SPD 2019).
- 68 The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly.

### *Discussion*

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

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

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

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

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

### **6.3.1 Impact on amenities of neighbours; Conclusion**

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

## **6.4 TRANSPORT**

### *Policy*

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

### *Discussion*

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

### **Car parking**

#### *Policy*

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

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

#### *Discussion*

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

### **Transport impact conclusion**

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

## 6.5 NATURAL ENVIRONMENT

### *General Policy*

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

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

### *Discussion*

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

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

### *Conclusion*

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

## 7 LOCAL FINANCE CONSIDERATIONS

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

- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

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

92 The CIL is therefore a material consideration.

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

## 8 EQUALITIES CONSIDERATIONS

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

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

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

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

97 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

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

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

99 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as

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recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

100 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## 9 HUMAN RIGHTS IMPLICATIONS

101 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

102 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

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

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

## 10 CONCLUSION

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

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

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

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

## 11 RECOMMENDATION

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

### 11.1 CONDITIONS

#### 1) FULL PLANNING PERMISSION TIME LIMIT

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990.

#### 2) APPROVED PLANS

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

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

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

PL08 (received 27 Sep 2022)

PL11 (received 27 Sep 2022)

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

#### 3) SCHEDULE OF MATERIALS

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

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

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#### 4) **LANDSCAPING**

(a) Prior to above ground works drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces), new gate and any new boundary wall shall be submitted and approved in writing by the local planning authority.

(b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies SI 12 Flood risk management in the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

#### 5) **OBSCURED WINDOWS**

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

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on back gardens and amenity areas of the Development Management Local Plan (November 2014).

#### 6) **SCREENING**

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

Reason: To avoid the direct overlooking of neighbouring properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

#### 7) **ANCILLARY TO THE RESIDENTIAL USE**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the residential accommodation hereby approved shall only be used for purposes ancillary to the residential use of the dwellinghouse known as 8

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BROCKLEY VIEW, SE23 and shall not be occupied as any form of self contained residential accommodation without prior the benefit of planning permission.

Reason: The application has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to in the London Plan (March 2021), Core Strategy (2011) and Development Management Local Plan (2014).

## 11.2 INFORMATIVES

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

## 12 BACKGROUND PAPERS

110 Submission Drawings and Photos

111 Submission Technical Reports and Documents

## 13 REPORT AUTHOR AND CONTACT

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