



Planning Committee A

Land adjacent to 8 South Park Crescent, SE6 1JW

Date: 5 January 2023

Key decision: No.

Class: Part 1

Ward(s) affected: Whitefoot

Contributors: Amanda Ghani

Outline and recommendations

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

Application details

Application reference number(s): DC/22/126206

Application Date: 1st April 2022

Applicant: My Home Online

Proposal: Construction of 2, two storey, two-bedroom, semi-detached dwelling houses adjacent to 8 South Park Crescent SE6

Background Papers: (1) Submission drawings and documents

Designation: Article 4 Direction, PTAL 2, Local open space deficiency

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The site is part of the side/rear garden space belonging to 8 South Park Crescent. The site is on the southern side of South Park Crescent and fronts the public highway.
- 2 The site is not within a conservation area, but it is subject to the small HMO Article 4 Direction that has removed permitted development rights for change of use from C3 to C4 use. The site is within a PTAL 2 area and as such has poor access to public transport and amenities. It is also within an area with a deficiency of local open space.



Character of area

- 3 The site and surrounding area was developed in and around the 1930's and consists of residential housing in the form of two-storey terraced and semi-detached properties, typical of the interwar housing built in the suburbs of London. Whilst building designs and configurations vary, there is an overarching approach to the style of the period

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which has established a reasonably cohesive feel and building line within the road. All of the properties benefit from good sized front gardens.

Surrounding area

4 The surrounding area is residential in character.

2 RELEVANT PLANNING HISTORY

5 Permission refused 7 August 1989 for the erection of a two storey three bedroom detached house and garage on land between 8 and 10 South Park Crescent currently forming part of the garden area to 8 South Park Crescent.

6 Permission refused 29 April 1991 for the erection of a two storey three bedroom detached house on land between 8 and 10 South Park Crescent currently forming part of the garden of 8 South Park Crescent. The decision was appealed and subsequently dismissed by the Planning Inspectorate on 6 February 1992.

7 Permission refused 5 April 2018 for the demolition of the existing garage and the construction of a two storey, three bedroom detached dwelling-house adjacent to 8 South Park Crescent, SE6 (**DC/18/106000**) for following reasons:

- The proposed development of the back garden of a house in perimeter block typology is unacceptable in principle and harmful to the character and appearance of the local area, contrary to the NPPF, Spatial Policy 5 Areas of Stability and Managed Change, Policy 15: High Quality Design for Lewisham in the Core Strategy (June 2011) and DM Policy 30 Urban design and local character, and, particularly, DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).
- The development by virtue of its siting, scale and detailed design would result in an incongruous addition to this back garden site, at odds with the established pattern of development in the area and contrary to Policies 7.4 Local character and 7.6 Architecture of the London Plan (March 2016), Policy 15 High Quality Design for Lewisham of the Core Strategy (June 2011) and Policies DM 30 Urban design and local character and DM 33 Development on infill sites, backland sites, back gardens and amenity areas of the Lewisham Development Management Local Plan (November 2014).
- The proposal by virtue of its siting and scale, would create an overbearing and unacceptable sense of enclosure, loss of visual amenity and privacy to the rear garden of 6 South Park Crescent. As such the proposal would be contrary to Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011), DM Policies 30 Urban design and local character of the Development Management Local Plan (November 2014) and the Residential Standards SPD (updated May 2012).

8 Permission refused on 12/10/20 for the demolition of the existing garage and the construction of 2, two storey, three-bedroom semi-detached dwelling houses adjacent to 8 South Park Crescent, SE6 (**DC/20/117138**), refused for following reasons:

- The proposed development of the back garden of a house in perimeter block typology is unacceptable in principle and harmful to the character and appearance of the local area, contrary to the NPPF, Spatial Policy 5 Areas of Stability and

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Managed Change, Policy 15: High Quality Design for Lewisham in the Core Strategy (June 2011) and DM Policy 30 Urban design and local character, and, particularly, DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- The proposal by virtue of its siting and scale, would create an overbearing and unacceptable sense of enclosure, loss of visual amenity and privacy to the rear garden of 6 South Park Crescent. As such the proposal would be contrary to Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011), DM Policies 30 Urban design and local character of the Development Management Local Plan (November 2014) and the Residential Standards SPD (updated May 2012).

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 9 The application is for the construction of a pair of two-storey, semi-detached dwellings. The dwelling houses would be sited to the side of 8 South Park Crescent on its existing garden site. Refuse and recycle storage would be situated to the front of the site. One off street parking space would be retained for No.8; but no off street parking is proposed for the two new dwellings.
- 10 The proposed dwellings would each measure 8.7m deep, including the two storey rear element at 1m deep. The dwellings would have hipped roofs with a maximum height of 8.9m and an eaves height of 5.5m. The width of each dwelling on the front and rear elevations is 5.3m. The dwellings would feature front gables above two-store bays.
- 11 The dwellings would follow the front building line of the terrace made up of properties 10-20 South Park Crescent, being set back 4m from the pavement and would be set back 95cm from the north and southern site boundaries and set back 4.65m from the rear (western) boundary.

3.2 COMPARISON WITH PREVIOUS SCHEME

- 12 The current application follows two refused applications.
- 13 The key differences between the current proposal and the previous applications are as follows:
- 14 The current proposal has reduced the number of bedrooms in each dwelling from three to two and the scale and mass of the proposed dwellings has been reduced in size.
- 15 The current proposal does not include off street car parking spaces.
- 16 The NPPF states that local authorities should promote small sites developments as these can make an important contribution to meeting the housing requirement of an area. Borough's are required to "pro-actively support well-designed new homes on small sites (below 0.25 hectares in size)".
- 17 Since the previous two applications were refused and in line with National policy, the LPA has published it's Small Sites Design Guide SPD which promotes sustainable development on small sites. The application site due to having a street frontage is

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considered 'Infill Development Street Extension' in the SPD and an Infill Site with regards to DMLP 33.

18 As such a more positive and pro-active approach to development should be taken with regards to this type of site.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

19 There was no pre-application engagement.

4.2 APPLICATION PUBLICITY

20 Site notices were displayed on 14th April 2022.

21 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 14th April 2022

22 3 number responses received, comprising 3 objections

4.2.1 Comments in objection

Comment	Para where addressed
Back garden development	Para 43-44
New dwellings would have very small back gardens	Para 55
Loss of privacy and overlooking	Para 98-106
Sense of enclosure	Para 98-106

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

24 The property has been bought by an overseas developer for the purpose of building houses in the garden area.

25 The current owner of the property has restricted his tenants from using this part of the rear garden.

26 These comments are not material planning considerations.

4.3 INTERNAL CONSULTATION

27 The following internal consultees were notified on 14th April 2022.

28 Highways: raised no objections subject to the findings of a highways spot survey. See para 86-88 for further details.

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5 POLICY CONTEXT

5.1 LEGISLATION

29 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

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

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

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

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

33 The Development Plan comprises:

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

5.5 SUPPLEMENTARY PLANNING GUIDANCE

34 Lewisham SPG/SPD:

- Small Sites Design Guide (October 2021)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)

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- Housing (March 2016)

6 PLANNING CONSIDERATIONS

35 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

36 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.

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

Policy

38 LPP H1 looks to increase housing supply by optimising the potential for housing delivery on all suitable and available sites especially those within areas of PTAL 3-6 or which are located within 800m distance of a station or town centre boundary. The current application meets this criteria.

39 LPP H2 states that boroughs should increase the contribution of small sites (below 0.25 hectares) to meeting London's housing needs and sets a ten year target for Lewisham of 3,790 new homes

40 DM Policy 33 States that if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape. This includes the spaces between buildings which may be as important as the character of the buildings themselves, and the size and proportions of adjacent buildings. Development on these sites must meet the policy requirements of DM Policy 30 (Urban design and local character), DM Policy 32 (Housing design, layout and space standards) and DM Policy 25 (Landscaping and trees).

41 DM Policy 33 sets out that infill sites are defined as sites within street frontages such as former builder's yards, small workshops and garages, gaps in terraces and gardens to the side of houses.

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42 Small Sites SPD at paragraph 27.1.2 (Section 27:Infill Development), Identifies this type of site to occur where a row of terraced houses meets the rear garden of property facing a primary street. These sites are sometimes occupied by existing garages or outbuildings, or in other cases form the end of gardens with a boundary onto a road. To qualify as a street extension a site must have a frontage directly onto a public highway and the distance from the rear of a house on the primary street is sufficient to allow a new dwelling to be developed in place of existing structures.

Discussion

43 As an area of land with a street frontage, the application site can be considered an infill site and would need to adhere to the criteria as set out in DM Policy 33. The site is also considered 'Street extension Infill development' in the Small Sites SPD.

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

6.1.1 Principle of development conclusions

45 In summary, officers raise no objection to the principle of development, subject to matters including design, standard of accommodation, neighbour impact and highways.

6.2 HOUSING

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

6.2.1 Residential Quality

General Policy

47 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).

48 The main components of residential quality are: (i) internal and external space standards; (ii) outlook, privacy and overheating; (iv) daylight and sunlight.

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

Internal space standards

Policy

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

51 The Technical Housing Standards (2015), Mayors Housing Supplementary Planning Guidance (SPG), London Plan Policy D6 and DM Policy 32 set out or make reference to

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the minimum space standards required for amenity space to achieve housing development that provides the highest quality of space externally in relation to its context. LPP D6 states that ‘a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant’

Discussion

52 The table below sets out the minimum space standards for a 2b3p dwelling on two floors.

Table 1: Internal space standards – proposed v target

No of bedrooms	No. of persons	2 storey dwelling (proposed (target))	Built in storage (proposed target)
2b	3p	(70sqm) 71.1sqm	(2sqm) 2.3sqm

53 Officers note the gross internal floor area of 71.1sqm just exceeds the minimum space standards for a 2b3p unit. The proposal also exceeds the requirements of LP Policy D6 in terms of individual bedroom sizes.

54 The floor to ceiling height of the dwellings would meet the 2.5m minimum requirement for new dwellings.

55 The proposal includes dividing the existing rear garden, which would provide 38.4sqm of private rear outdoor space for each new dwelling and the retention of 71sqm of the garden for the occupiers of No.8. The proposed private amenity space for the dwelling exceeds the minimum requirement in accordance with LP Policy D6 and both new and existing properties would have access to sufficient useable outdoor areas

Outlook & Privacy & Overheating

Policy

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

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

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

Discussion

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- 59 The main habitable rooms are orientated to the front (north-east) and rear (south-west) facades with fenestration to allow daylight and sunlight into the rooms.
- 60 The dwellings would benefit from a good level of privacy, being suitably set back from the public realm. The dwellings would be dual aspect which is considered sufficient to avoid unacceptable overheating.

Daylight and Sunlight

Policy

- 61 DM Policy 32 (1)(b) expects new development to provide a satisfactory level of natural lighting for its future occupiers.
- 62 Daylight and sunlight are generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.

Discussion

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

6.2.2 Housing conclusion

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

6.3 URBAN DESIGN

General Policy

- 65 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.
- 66 LPP D3, CS Policy 15 and DMLP DM30 requires that all new developments provide a high standard of design and should respect the existing forms of development in the vicinity. The Small Sites SPD is relevant to the current application and is considered 'infill development'

6.3.1 Appearance and character

Policy

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

Discussion

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68 The proposed dwellings would occupy the space which forms part of the rear/side garden of No.8 South Park Crescent. The siting of the dwellings would affect the open spatial quality that exists at present; however, sufficient space between the existing and new dwellings would be retained, as shown in Figure 1 below

Fig 1: Proposed Street elevation.



69 The proposed dwellings would adhere to the established front building line and would be the same height as the adjacent properties. Whilst the width of the proposed dwellings would be slightly narrower than many of the properties in South Park Crescent by approximately 60cm; the proposal does achieve two well-proportioned family sized homes. To the front elevation the proposed dwellings would largely replicate the style and design of existing dwellings, in terms of the two storey bays and front gables, solid to void ratios and semi-circular brick work detailing above the front doors. The design of the rear elevation whilst different from the rear elevations of the adjacent houses, has been designed to incorporate less fenestration at first floor level. In each side elevation a ground floor and first floor window provides light to the entrance halls and first floor landings.

70 The proposed dwellings are set back 0.95m from the north and south boundaries and set back 4.65m from the rear western boundary. There would be visible spaces between the proposed dwellings and their adjacent neighbours when viewed from the public realm. The height, form and scale of the proposal would create a positive relationship to the existing urban typology of the area and the existing street scene and would adhere to LP Policy D3, DMP 30 and the Small Sites SPD.

Detailing and Materials

Policy

71 DMLP Policy 30 requires the use of high quality materials that either match or complement existing development.

Discussion

72 The proposed dwellings would be built in Ibstock Heritage Red blend Stock brick with tile detailing on the front gables and between the bay windows and have Marley Acme heather blend single camber clay tile roofs. Red brick and clay tiles are materials that have been prevalently used on other properties in the road. The proposed triple glazed UPVc framed windows and doors are considered acceptable with regards to placement, size and materiality. Whilst UPVc is not considered a high quality material; officers note

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that the majority of properties in South Park Crescent have installed replacement UPVc framed windows of varying designs. As such UPVc windows and doors are considered an appropriate response for the site. The front doors are wood effect composite, painted black with chrome ironmongery.

73 The proposed materials in the context of the existing street scene are considered to be acceptable. A condition would be added to ensure these materials are used and that design quality is maintained throughout the development process.

74 With regards to proposed boundary treatments, the front boundary walls would be brick built with stone cappings and built to match neighbouring boundary treatments. To the rear garden fencing would be installed. The proposed boundary treatments are considered acceptable.

75 Details of the boundary treatments and their heights have not been provided, however these details can be secured by condition.

6.3.2 Urban design conclusion

76 Officers are satisfied that the proposal would complement the character and appearance of the street scene.

6.4 TRANSPORT IMPACT

General policy

77 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes

78 Para.109 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

79 Regionally, the Mayor’s Transport Strategy (‘the MTS’, GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns

80 Policy T1 of the London Plan (2021) sets out the Mayor’s strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.

81 Core Strategy Policy 14 ‘Sustainable movement and transport’ promotes more sustainable transport choices through walking, cycling and public transport. It adopts a

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restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans

6.4.1 Servicing and refuse

Policy

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

Discussion

- 85 Refuse stores would be provided at the front of each dwelling. The storage facility would measure 1.5m long, 0.9m wide and 1.2m high. The storage facility would be constructed in timber. The proposed storage is considered acceptable and officers consider it reasonable to secure the bin stores by condition

6.4.2 Transport modes

Walking and cycling

Policy

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

Discussion

- 88 Both properties would be provided with cycle storage for two bicycles to the front of the site. As such, the proposal is considered to be acceptable in terms of cycle parking provision, adhering to London Plan standards.

Private cars

Policy

- 89 LPP T6 supported by CSP 14 and DMLP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Paragraph G of LPP T6 states that where car parking is provided in new developments, provision should be made for infrastructure for electric or other Ultra-Low Emission vehicles. Table 10.3 of the London Plan sets the maximum car parking standards for

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residential developments. The site has a PTAL 2 rating and under LPP T6 the maximum allowance for off street parking is 0.5 spaces per dwelling.

Discussion

- 90 Originally, the application proposed off street car parking for both dwellings, however, this was subsequently omitted from the scheme on the advice of Officers. The current proposal does not include any off street parking. Officers requested the applicant undertake a spot survey to evidence that any on street parking as a result of the development, would not result in unacceptable parking stress.
- 91 The Highways Officer considers the results of the survey to be acceptable although does not agree with the summary/conclusion which states there is significant on-street capacity; since the average parking stress of 77% indicates that the area surveyed is approaching capacity. However, due to the scale of the development proposal officers consider there is sufficient levels of capacity on street to accommodate the potential number of cars expected to park within the vicinity of the site.
- 92 To prevent the front gardens being used for parking in the future, a condition is proposed which would remove relevant permitted development rights.

6.4.3 Transport impact conclusion

- 93 In summary, the proposed development is considered to have an acceptable impact on the surrounding highway and transport network subject to the imposition of the conditions recommended above.

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

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

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6.5.1 Enclosure, Outlook & Privacy

Policy

- 98 Overbearing impact arising from the scale and position of development is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries. Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.
- 99 DMLP 32 expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours. The Small Sites SPD states that the privacy of the first 10m of rear garden (defined as the area of rear garden extending 10m beyond the furthest rear part of the dwelling, for the width of the main part of that property) should be protected from direct overlooking from habitable room windows of new dwellings. To protect these areas, conventional windows should be located more than 6m from the rear edge of this 10m privacy area.

Discussion

Fig 2: Separation distances from adjacent properties



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- 100 The rear elevation of the two proposed dwellings would be 4.65m from the shared boundary with No.6 South Park Crescent. No.6 has an 18m long rear garden that is at an angle from the rear elevation of the property. The subject site abuts the rear 12.2m of this neighbouring garden. The top 5.15m of the garden is abutted by the retained garden for No.8. The closest first floor window in the rear elevation of the proposed development is a further 4.8m away from the nearest part of the rear elevation of No.6 (10m). The rear garden of No.6 is divided into distinct areas with the upper 5m deep area used as recreation space by the occupiers. The remaining garden is occupied by greenhouses and a large pitched roof, single storey outbuilding.
- 101 Whilst the two first floor windows would have views across the rear garden of No.6 the views would be of the storage building and greenhouses. There would be no direct views to the rear elevation or the upper portion of the garden of No.6. the nearest upper window in the proposed development would be 10m from the rear elevation of No.6. The Small Sites SPD states the first 10m of a neighbouring rear garden should be protected from direct overlooking and new windows should be a further 6m from this privacy zone; this is when an existing building is directly opposite a new building. In this instance the new dwellings would be set back 5.2m from the shared boundary and would be perpendicular to the rear elevation of No.6; further limiting the level of direct overlooking to the upper portion of this neighbouring garden.
- 102 The outbuilding in the rear garden of No.4 would also be visible in direct views from the nearest window, however the upper portion of the garden and the rear elevation would not be. Officers consider that due to the set back of the upper windows from the western shared boundary with No.6 (5.2m) and as the part of the rear garden at No.6 which abuts the application site contains greenhouses and an outbuilding rather than open garden space; intrusive levels of overlooking and loss of privacy are unlikely to occur. The proposed development would be highly visible from the rear gardens of Nos 2-6 South Park Crescent. But with particular regards to No.6, being the closest neighbour, there would be an increased sense of enclosure. However, due to the set back of the rear elevation of the development of between 4.65m and 5.2m the sense of enclosure would not be so detrimental. As such, the level of overlooking and sense of enclosure is not considered so detrimental as to warrant a reason for refusal.
- 103 The rear elevation of 43 Further Green Road directly faces the application site and is 18m from the rear boundary of the application site and 22.65m from the rear elevation of the development. The separation distance between No.43 and the proposed development is acceptable.
- 104 The flank elevation of No.10 South Park Crescent is set back 3.5m from the shared (southern) boundary with the subject site. The proposed dwellings are of a comparable depth to No.10 and due to their siting, there would be no issues with the proposed dwellings appearing visually overbearing. There would be no loss of day/sunlight and no overshadowing to this neighbouring property. The two windows proposed in the side elevation would not be directly adjacent to the first floor window or door in the side elevation of No.10. As such, there would be no direct overlooking or loss of privacy. Furthermore, the proposed windows would provide light to a hall and upper landing rather than a habitable room.
- 105 The rear elevation of No.8 is angled toward the subject site, however the side elevation of the proposed dwellings would extend just 40cm in front of the rear elevation of No.8, with the rear projection (7m from the rear elevation of No.8) extending a further 1m. Officers acknowledge that the new dwellings will be highly visible from the garden space and the side windows at this neighbouring property. There would also be an increased sense of enclosure, however that is to be expected given the relationship. That

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relationship is not dissimilar to the pre-existing one the garden experiences with the flank of 10 South Park Crescent. Officers consider that, due to the orientation of No.8, there is unlikely to be significant overshadowing to the rear elevation of No.8 and the proposed development would have no significant detrimental impact in terms of amenity on the occupiers of this property.

- 106 The two windows proposed in the side elevation would not be directly adjacent to the first floor window or door in the side elevation of No.8. As such, there would be no direct overlooking or loss of privacy. Furthermore, the proposed windows would provide light to a hall and upper landing rather than a habitable room.

6.5.2 Daylight and Sunlight

Policy

- 107 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.
- 108 LPP D6 states the design of development should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context.

Discussion

- 109 The proposed scheme, due to its scale and siting, would have no detrimental impact on neighbouring properties access to sufficient daylight and sunlight.

6.5.3 Noise and disturbance

Policy

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

Discussion

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

6.5.4 Impact on neighbours conclusion

- 112 Officers consider that the proposal would be acceptable and would have no significant harm upon the amenities of surrounding properties. Given the nature of the relationships that would result, it is reasonable to impose a condition restricting relevant permitted

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development rights, to ensure further development does not result in unacceptable harm.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

6.6.1 Energy and carbon emissions reduction

Policy

- 113 NPPF para. 152 sets an expectation that planning will support transition to a low carbon future.
- 114 CSP8 seeks to minimise the carbon dioxide emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.
- 115 DMP 22 requires all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.
- 116 The LPA's Small Sites Design Guide SPD states that due to the climate emergency "sustainably-designed development will be viewed favourably." "Small sites sustainability helps to reduce the strain of supplied services, and helps with Lewisham's commitment to reduce carbon."

Discussion

- 117 The proposal incorporates air source heat pumps to the rear of each property which will eliminate the need for a gas supply. The heat pumps will provide a source of renewable energy for heating and hot water. The dwellings will be fitted with a Mechanical Ventilation and Heat Recovery (MVHR) system to provide a continuous source of ventilation. Photovoltaic panels are also proposed to the rear roof slopes. Each roof will be fitted with a 2.00KWh solar PV array which will generate a renewable supply of electricity.
- 118 The air source heat pump and photovoltaic panels are considered acceptable.

6.6.2 Sustainable Urban Drainage

Policy

- 119 NPPF para 159 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 163 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.
- 120 LPP SI 12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 121 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

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

Discussion

123 The application site is not located in a flood risk zone and the scale of development does not require a detailed SuDS scheme. However, permeable paving is proposed to the front of the site. The front paths and rear patio areas would be constructed in Marshalls Driveline Piora Charcoal permeable paving blocks. The permeable paving can be secured by a suitable hard landscaping condition.

6.6.3 Sustainable Infrastructure conclusion

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

6.7 NATURAL ENVIRONMENT

General Policy

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

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

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

6.7.1 Green spaces

Policy

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

Discussion

129 Given the size of the site there is limited opportunity to secure environmental improvements. However, the proposal does include lawned areas to the front and rear of the two properties and there is the opportunity to provide green roofs to the cycle and bin stores which can be secured by condition.

6.7.2 Natural Environment conclusion

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

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7 LOCAL FINANCE CONSIDERATIONS

131 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).

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

133 The CIL is therefore a material consideration.

134 £12,759.57 Lewisham CIL and £8,430.43 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

8 EQUALITIES CONSIDERATIONS

135 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.

136 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.

137 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.

138 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

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guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

- 139 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
- 140 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>
- 141 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

- 142 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
- 143 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.
- 144 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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145 This application has the legitimate aim of providing a new building with residential use. 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

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

147 The principle of two additional dwellings at this site is supported as they are situated in a sustainable urban location. The proposed development is acceptable in terms of scale, form, design and materials. Significant weight is given to the planning merit of additional housing.

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

149 Harm has been identified by officers in terms of the siting of the dwellings which would diminish the open spatial quality that exists at present. However, this harm is not considered so critical as to outweigh the planning merit of two additional dwellings.

11 RECOMMENDATION

150 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:

8SPCL-02; 8SPCL-06 (Site Location Plan); 001; 002; 8SPCL-08; 8SPCL-09;
(Received 1st April 2022)

8SPCL-01; 8SPCL-03; 8SPCL-06 (Proposed Sections); 8SPCL-06 (Proposed
Street Scene) (Received 14th July 2022);

8SPCL-10 (Received 8th December 2022)

8SPCL-03 (Floor Plans) (Received 12th December 2022)

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

3) MATERIALS

No development **above ground** shall commence on site until a detailed schedule and specification of all external materials and finishes/windows and external doors/roof coverings and walls 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 buildings 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, DM Policy 31 Alterations and extensions to existing buildings including residential extensions

4) HARD AND SOFT LANDSCAPING

(a) A scheme of hard and soft landscaping (including proposed plant numbers, species and location and schedule of materials including details of permeability of the materials and also manufacturer's literature where appropriate) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

(c) The hard landscaping works shall be completed prior to the occupation of the dwellinghouses hereby approved and shall be retained for the lifetime 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 Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

5) CYCLE STORAGE

a. Notwithstanding the submitted plans, the development shall not be occupied until details of the cycle parking facilities that are safe, covered and weatherproofed including details of the biodiversity living roof shall be submitted to and approved in writing by the local planning authority.

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b. The cycle parking facilities approved under part (a) of this condition shall be provided in full 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) REFUSE AND RECYCLING

a. Notwithstanding the submitted plans, the development shall not be occupied until details of refuse and recycling facilities including food waste bin and details of the biodiversity living roof have been submitted to and approved in writing by the local planning authority.

b. The facilities as approved under part (a) of this condition 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).

9) BOUNDARY TREATMENT

(a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

10) REMOVE PERMITTED DEVELOPMENT RIGHTS

No extensions or alterations to the building(s) hereby approved, whether or not permitted under Article 3 to Schedule 2 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).

11) RETAIN FRONT GARDENS

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The whole of the front gardens as shown on drawing no.8PCL-01 hereby approved shall be retained permanently and not use for off street parking.

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 T6 of the London Plan 2021, Policy 14 Sustainable movement and transport of the Core Strategy (June 2011) and DM Policy 29 Car parking 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) 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

12 BACKGROUND PAPERS

- (1) Submission drawings
- (2) Submission technical reports

13 REPORT AUTHOR AND CONTACT

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