



Planning Committee: A

1-3 ASHBY ROAD, LONDON, SE4 1PR

Date: 18 July 2023

Key decision: No.

Class: Part 1

Ward(s) affected: Brockley

Contributors: Alfie Williams, Senior Planning Officer

Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of 20 individual objections, a petition against signed by 6 residents and an objection from the Brockley Society

Application details

Application reference number(s): DC/23/130234

Application Date: 4 April 2023

Applicant: Ashby Road Properties Limited

Proposal: Construction of part single-storey and part two-storey roof extensions to create 3 self-contained flats, together with the conversion of an existing studio to provide additional living accommodation at 1-3 Ashby Road SE4, with associated cycle storage, refuse storage and a new green roof.

Background Papers:

- (1) Submission drawings
- (2) Submission technical reports and documents
- (3) Internal consultee responses
- (4) Statutory consultee responses

Designation: Air Quality Management Area
Brockley Conservation Area
Brockley Conservation Area Article 4 Direction
PTAL 4

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

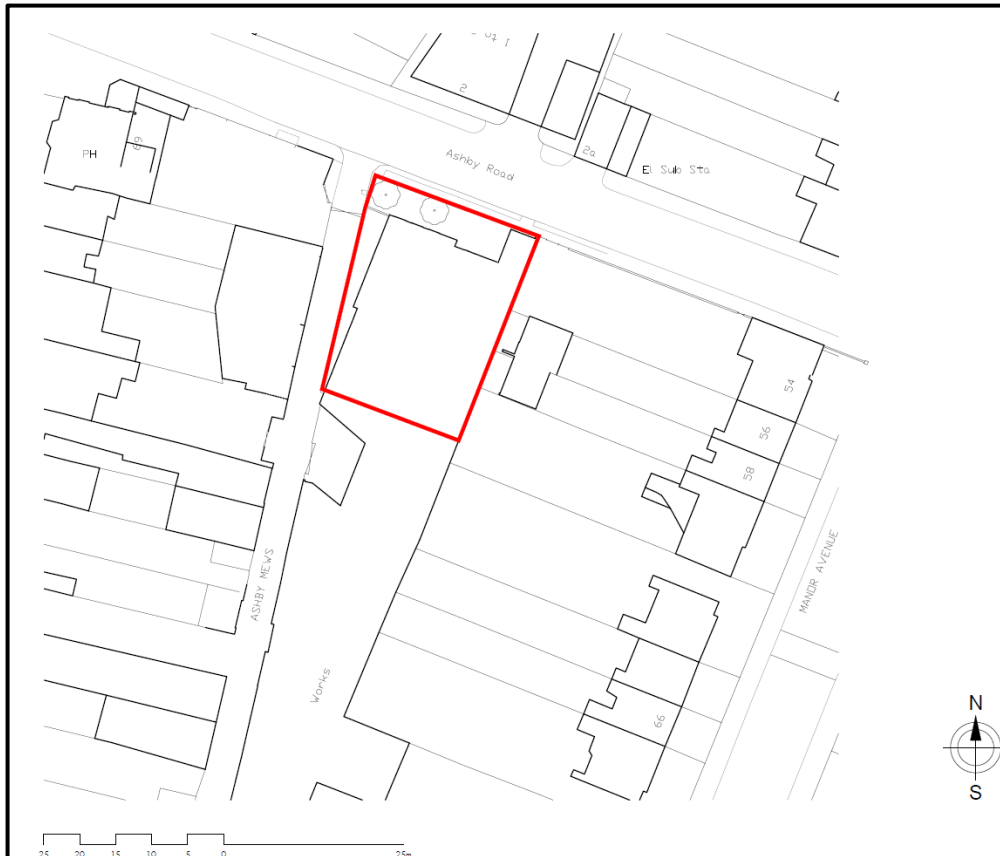
- 1 The application site comprises a modern brick-built part single/part two-storey residential building located at the junction of Ashby Mews and Ashby Road. The building was formerly used by Lewisham Council as offices and was converted to residential use following a change of use granted in 2014. To the east, the site adjoins the rear gardens of properties in Manor Avenue. The site has a 25m wide main frontage onto Ashby Road and to the west, the site has a 28m deep side return into Ashby Mews. Ashby Mews is a private road.
- 2 On the northern side of Ashby Road, directly opposite the application site, is Royston Court. Royston Court is a modern two storey housing development constructed on a former commercial site.

Figure 1. Site Location Plan

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>



Character of area

- 3 The surrounding area is predominately residential and is characterised by grand three storey Victorian buildings that line the roads running north to south. Between these roads are a series of lower-scale Mews. The Mews' generally serve residential garaging and commercial workshops, which are mainly single storey in height. Ashby Road runs east to west and is mainly a thoroughfare with sporadic areas of piecemeal residential development at the ends of gardens.

Heritage/archaeology

- 4 The site is located within the Brockley Conservation Area which is covered by an Article 4 Direction. The site lies within Character Area 1 of the Brockley Conservation Area and has a neutral impact. The building is not listed, and neither is the site located within the vicinity of a listed building.

Transport

- 5 The site has a PTAL of 4, which is a good level of public transport accessibility. Brockley Station (550m to the south-west) and St John's Station (600m to the north-east) are within walking distance of site. The site is also within walking distance of the bus routes that serve Lewisham Way and Brockley Road.

2 RELEVANT PLANNING HISTORY

- 6 In February 2006, applications for planning permission and conservation area consent (this being a requirement prior to 2013 for the demolition of a building in a conservation

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

area) were submitted for the demolition of the building and the construction of a part single/part three storey plus basement building to provide a 22-bedroom care home. The planning application was proposed for refusal on the grounds of 1) its excessive height and bulk and its generally poor design; 2) its close proximity to the rear gardens of properties in Manor Avenue and; 3) the lack of outdoor amenity space and poor outlook to the ground floor bedrooms adjoining the Mews.

- 7 The conservation area consent application was also recommended for refusal on the basis that the demolition of the building in advance of an agreed scheme of redevelopment would fail to preserve or enhance the character and appearance of the conservation area and would be contrary to Council policy. These applications were withdrawn at the applicant's request before determination.
- 8 In September 2006 further applications for planning permission and conservation area consent were submitted for the demolition of the former Council offices and the construction of a part two/part three storey building, to provide an 18-bedroom care home, together with associated landscaping, provision of a refuse store, bicycle spaces and 3 car parking spaces. This planning application was refused on the grounds of 1) its excessive height and bulk and its generally poor design and 2) the close proximity to the rear gardens of properties in Manor Avenue. The conservation area consent application was refused for the same reason as the previously withdrawn conservation area consent submission.
- 9 Further applications for Conservation Area consent and planning permission for a 16-bedroom care home at the site were refused in August 2007. These were refused for the same reasons as the previous applications. Appeals in respect of these decisions were also dismissed. The Inspector considered that the existing building had a neutral impact on the character and appearance of the Conservation Area and that the height of the existing building allowed views through to the trees and vegetation in the rear gardens of Manor Avenue. The Inspector's decision letter (dated 18 August 2008) concluded the bulk and mass of the proposed building would be overly prominent and discordant in the streetscene.
- 10 On 9 June 2014, the Council determined that Prior Approval under Class J of Part 3 of Schedule 2 of the General Permitted Development Order 1995 (as amended) for the change of use of the premises (Class B1a) into residential use (Class C3) to form 3 x 1 bed and 3 x 2 bed self-contained flats was not required (the development could proceed) (reference DC/14/87239).
- 11 On 17 August 2015, the Council determined that Prior Approval under Class O of Part 3 of Schedule 2 of the General Permitted Development Order 2015 for the change of use of the premises (Class B1a) into residential use (Class C3) to form 6 x 1 bed and 3 studio contained flats was not required (reference DC/15/92810).
- 12 On 15 October 2015 the Council determined that Prior Approval under Class O of Part 3 of Schedule 2 of the General Permitted Development Order 2015 for prior approval in respect of change of use of 1-3 Ashby Road SE14, from office use (Class B1(a)) to residential (Class C3) to create 9 self-contained units was not required (reference DC/15/93310).
- 13 On 12 February 2016, planning permission was granted for alterations to the existing office building at 1-3 Ashby Road SE4, comprising the introduction of light wells to the rear part of the building and a new light well adjoining the boundary with 54 - 60 Manor Avenue, together with minor alterations to the external elevations of the building and

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

new landscaping of the Ashby Road and Ashby Mews frontages (reference DC/15/93717).

- 14 On 7 March 2022, planning permission was refused for the construction of part single-storey and part two-storey roof extensions to create 3 self-contained flats, together with the conversion of an existing studio to provided additional living accommodation at 1-3 Ashby Road SE4, with associated 8 cycle spaces, refuse storage and a new green roof (DC/21/124306). The application was refused for the following reason:

The proposed extension, by reason of its height, bulk, scale, massing and design, would introduce an unsympathetic and visually intrusive form of development that would fail to respect the historic spatial character and pattern of development. The proposed development would therefore fail to preserve or enhance the character and appearance of the Brockley Conservation Area contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Part 16 Conserving and Enhancing the Historic environment of the NPPF, Policy HC1 Heritage, Conservation and Growth of the London Plan (March 2021), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), and DM Policies 30 Urban design and local character, 31 Alterations and extensions to existing buildings, 33 Infill, backland, back garden and amenity area development and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

- 15 On 18 November 2022, an appeal (Appeal Ref: APP/C5690/W/22/3296443) against the refusal of application DC/21/124306 was dismissed with the inspector reaching the following conclusion at para 22. It is notable that the inspector's assessment of the visual impact of the extension was clear that the bulk and massing of the extension would not introduce harm to conservation area, therefore the Council's reason for refusal was not upheld. As set out above, the appeal was dismissed on the ground that the extension would be harmful to the living conditions of Flat 2.

"Based on the evidence before me, I therefore find that the proposed development would cause significant harm to the living conditions of occupants of flat 2 in terms of outlook and light. It would therefore be contrary to Policy 15 of the Lewisham Core Strategy (2011), DM Policies 31 and 32 of the Lewisham Development Management Local Plan (2014) and Policies D3 and D6 of The London Plan (2021). These policies require, amongst other things, that developments including extensions; have no significant loss of amenity (including sunlight and daylight) to adjoining houses, provide a satisfactory level of outlook and natural lighting for neighbours, deliver appropriate outlook and amenity, and provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, whilst avoiding overshadowing."

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 16 The construction of a roof extension to facilitate the provision of three additional self-contained residential units and the conversion of an existing studio unit to provide a three-bedroom self-contained flat.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 17 The proposed roof extension would be part-single, part-two storey to the front (facing Ashby Road), raising the height of the building to three storeys. At first floor level the extension would feature facing brickwork to match the existing. At second floor level the extension would be set back and would be clad in zinc. The extension also includes an additional storey to the rear facing onto Ashby Mews. This section of the extension would also be clad in Zinc. The extensions would have shallow pitched roofs which would incorporate rooflights.
- 18 The additional residential accommodation would be comprised of a one-bedroom flat at first floor level with one two-bedroom and one studio flats at second floor level. The floor area of an existing studio unit (Flat 09) at first floor level would be increased from 30sqm to 94sqm to provide a three-bedroom flat. The layouts of the remaining eight existing flats would be unaltered. All three additional units and the extended flat would be provided with balconies.
- 19 Refuse and recycling facilities would be provided within a store to be located in the front garden. A cycle store would be installed adjacent to the western elevation with access onto Ashby Mews.

3.2 COMPARISON WITH PREVIOUS SCHEME

20 The proposed development is broadly the same as the scheme refused in March 2022 (Ref DC/21/124306) with the only changes connected to addressing the impact to light and outlook to Flat 2, which was the sole reason given by the Inspector for dismissing the appeal. The key changes are listed below:

- Reduction to the depth of the two-storey extension to the eastern portion of the building and associated reduction in internal floorspace as shown on Figure 2 below.
- Alteration to the layout of Flat 10 from a two-bedroom three-person flat to a one-bedroom two-person unit.
- Alteration to the layout of Flat 11 from a one-bedroom two-person flat to a single person studio.
- Additional window in the western side elevation serving Flat 9.
- Additional screens to the balconies of Flats 9 and 10

Figure 2. Drawing showing change to the depth of the extension and relationship to the rooflights serving Flat 2 with the massing removed highlighted in red.



Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

4 CONSULTATION

4.1 APPLICATION PUBLICITY

21 Site notices were displayed and a press notice was published on 1 March 2023. Letters were sent to residents and business in the surrounding area as well as to the relevant ward Councillors and Brockley Society on 20 February 2023.

22 21 representations were received in response, comprising 20 objections and one comment in support. One petition against the development was also received with six signatures.

4.1.1 Comments in objection

Comment	Para where addressed
Principle of development	
Principle of residential development	46
Lack of affordable house contribution	48
Housing mix	49
Overdevelopment	50
Residential quality	
Accessibility of the flats	71
Urban design and heritage matters	
Adverse impact to the Conservation Area	89-97
Adverse impact to Ashby Mews	89-95
Design of extensions	89-95
Impact of ASHP	93 & 152
Impact to the public realm	94
Transport	
Increase traffic	102
Waste & bin management	105
Deliveries and servicing	106
Parking stress	113-114
Living conditions of neighbours	
Overbearing enclosure	123-128
Loss of outlook	123-128
Loss of privacy	131-133
Loss of light	142-146

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Noise and disturbance	151-152
Disturbance from construction	151
Sustainable development	
Loss of soft landscaping	158
Flood risk & urban drainage	162

23 The Brockley Society also submitted comments raising the following objections:

Comment	Para where addressed
Principle of Development	
Unit mix	49
Accessibility of the flats	71
Urban Design & Heritage	
Harm to the Conservation Area	89-95
Harm to Ashby Mews	89-95
Transport Impact	
Waste management	105
Cycle parking	108-110
Living Conditions of Neighbours	
Loss of outlook	124-128
Loss of privacy	131-133
Loss of light	142-146
Increased noise & disturbance	151-152
Sustainable Development	
Flood risk & urban drainage	162

24 A number of other comments were also raised that are not material to this application for the following reasons:

- Impact house prices: it is generally accepted that the impact of development to neighbouring land values is not in and of itself a consideration that can be given weight. Although, the material impacts to neighbouring land and properties can be assessed.
- Rainwater leakage: roof leakage would be adequately addressed by Building Regulations.
- Structural impact: structural matters are adequately addressed by Building Regulations.
- Leaseholder rights: leaseholder matters are subject to a separate legislative framework so are not material to this planning application.
- Right to mews access: right of access on to Ashby Mews is a civil matter which is not considered to be a material planning consideration.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- Fire Safety: is addressed by building regulations for this scale of development.
- Inadequate pre-application engagement: pre-application engagement with residents is encouraged, but is not a requirement; and that engagement does not relate to the planning merits of the scheme itself. .
- Loss of industrial uses: the building is not in industrial use
- Age of the building: in this case the incorrect reference to the age of the building does not have a material impact on the assessment of the application.

4.1.2 Comments in support

Comment	Para where addressed
High quality design	89-96

25 The comment also praised the extent of the pre-application engagement. This is welcome but is not a requirement and therefore cannot be attributed any positive weight in this assessment.

4.1.3 Local Meeting

26 Due to the number of submissions received, a virtual Local Meeting was held on Tuesday 6th June 2023. The meeting was chaired by Councillor Lahai-Taylor. A record of the Local Meeting is contained in Appendix 1 of this report. The issues raised at the Local Meeting were consistent with the matters raised in the written submissions as summarised above.

4.2 INTERNAL CONSULTATION

27 The following internal consultees were notified on 20 February 2023.

28 Conservation: raised no objections in light of the appeal decision for application DC/21/124306 subject to imposing a condition for the materials and design detailing.

29 Highways: raised no objections subject to conditions, see the Transport Section for details.

5 POLICY CONTEXT

5.1 LEGISLATION

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

31 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990: impose particular duties on the LPA in respect of listed buildings and conservation areas, respectively.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

5.2 MATERIAL CONSIDERATIONS

- 32 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.
- 33 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable national policy as a material consideration.
- 34 While there is no duty to follow a previous planning decision, which includes a decision taken by an Inspector appointed on behalf of the Secretary of State to determine a planning appeal, there is a principle of consistency in planning law. Where a subsequent decision would essentially depart from a previous decision (or, in other words, in reaching that decision the decision-maker was necessarily disagreeing with that previous decision), the decision-maker would be expected to give cogent reasons for that departure.
- 35 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

36 The Development Plan comprises:

- London Plan (March 2021) (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

37 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Brockley Conservation Area Supplementary Planning Document (December 2005)
- Small Sites Supplementary Planning Document (October 2021)

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

38 London Plan LPG:

- Small Site Design Codes (June 2023)
- Optimising Site Capacity: A Design-led Approach (June 2023)
- Housing Design Standards (June 2023)
- Air Quality Neutral (February 2023)

5.6 OTHER MATERIAL DOCUMENTS

- Brockley Conservation Area Character Appraisal (August 2006)

6 PLANNING CONSIDERATIONS

39 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

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

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

Policy

42 LPP H1 seeks to optimise the potential of housing delivery, especially on sites with good public transport access level (PTALs) of 3-6 and close to town centres. The target set for Lewisham in the LP is 16,670 homes between 2019-29, or 1,667 as an annualised average.

43 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.

44 LPP H5 supported by CSP 1 require contributions to affordable housing on sites capable of providing 10 or more dwellings.

45 LPP H10 advises that schemes should generally consist of a range of unit sizes.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Discussion

- 46 The existing use of the building is residential and therefore the proposal would not conflict with any employment or commercial uses within the building. As such, the site is appropriate for a higher density of development taking into account the residential character of the area and sustainable location. Therefore, the principle of an additional storey for residential accommodation is accepted.
- 47 The scheme would contribute three additional residential units to both the overall housing targets and the small sites target established by LPP H1 and H2. Furthermore, the development includes an extension to an existing unit to provide a family sized flat (3 bedrooms). The South East London Strategic Housing Market Assessment (SHMA) identifies that the main housing need in Lewisham is for family housing, with the provision of family housing attributed policy weight within the Core at Strategy Objective 3 and CSP 1. As such the contribution to both housing and family housing are identified as planning merits of the scheme and carry positive weight within the overall planning balance.
- 48 The proposed development would increase the number of units in the building to 12 and therefore the requirements of LPP H5 and CSP 1 are considered relevant. Both LPP H5 and CSP 1 are clear that contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings. The conversion of the building was carried out via the prior approval process. Prior approval legislation does not require a contribution to affordable housing and therefore the addition of three properties would not meet the threshold for an affordable housing contribution as set out within CSP 1 and LPP H5.
- 49 The development includes a good range of unit sizes comprising one, two and three bedroom flats. Accordingly, the proposed unit mix would be consistent with the requirements of LPP H10 and is therefore supported.
- 50 The addition of three residential units is not considered to constitute the overdevelopment of the site as the site characteristics justify the increase in density. These characteristics include the large footprint of the building, the good PTAL rating and the proximity to amenities and shopping parades on Lewisham Way and Brockley Road.
- 51 The provision of a single occupancy residential unit necessitates an assessment against DMP 32.4.e, which states that single person units are required to be of exceptional design quality and highly accessible locations. In this case the site is considered highly accessible and therefore suitable for single person accommodation for the reasons set out within para 50 above. The residential accommodation provided by the flat is also considered to be of an exceptional standard given the dual aspect, oversized internal floor area and policy compliant provision of external amenity space. As such, the proposed studio flat is supported.

6.1.1 Principle of development conclusions

- 52 In summary, Officers are satisfied that a contribution to affordable housing is not required as the building was converted via prior approval and the number of additional units would therefore not trigger a contribution. The provision of three additional dwellings and a new family unit would contribute towards local housing targets and an identified housing need, which are considered planning merits. The principle of development is therefore supported.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 53 The Planning History section of the report documents that the previous application for this development (ref DC/21/124306) was subject to an appeal, see paras 14-15 above. The Appeal Decision (ref APP/C5690/W/22/3296443) is appended to this report at Appendix 2. In the Inspectors assessment of the application the only significant harm arising from the previous iteration of the development was the loss of outlook and natural light to Flat 2 located on the ground floor level of the host building, see paras 125-128 and 144-146 for a summary.
- 54 The current development is fundamentally the same scheme as the previous proposal, save the modifications that have been undertaken to the massing in order to address the harm to Flat 2. Therefore, the appeal decision is a material consideration which carries considerable weight in the assessment of this application. Officers consider that the application has addressed the harm identified in the Appeal Decision and that that decision should be followed, see paras 125-127 and 144-146 for the detailed assessment.

6.2 RESIDENTIAL QUALITY

General Policy

- 55 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 Design Standards LPG; Alterations and Extensions SPD 2019, LBL).
- 56 The main components of residential quality are: (i) space standards; (ii) outlook, privacy and ventilation; (iii) daylight and sunlight; (iv) noise and disturbance; (v) accessibility and inclusivity; and (vi) air quality.

6.2.1 Internal and external space standards

Policy

- 57 London Plan Policy D6 and DM Policy 32 seek to achieve housing developments with the highest quality internally and externally and in relation to their context and sets out the minimum space standards. These policies set out the requirements with regard to housing design, seeking to ensure the long-term sustainability of new housing provision.
- 58 LPP D6 states that for 1-2 person dwellings, a minimum 5sqm is required, with an extra 1sqm for every additional occupant.

Discussion

- 59 The table below sets out proposed dwelling sizes.

Flat No.	Unit size	Required GIA sqm	GIA sqm	External sqm
9	3b5p	86	93	8
10	1b2p	50	51	5
11	1b1p	39	42	5
12	2b4p	70	71	7

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

60 All six units would either meet or exceed the requirements of LPP D6 with regard to floor space, bedroom size and storage provision. The floor to ceiling heights would be 2.5m for the majority of the residential floor space which meets the London Plan requirement and would contribute to a good standard of internal residential accommodation. All four flats would benefit from balconies that meet the London Plan requirement, which is supported.

6.2.2 Outlook, Privacy & Ventilation

Policy

61 London Plan Policy D6 seeks high quality design of housing development and requires developments to achieve 'appropriate outlook, privacy and amenity'. Policy D6 also seeks to maximise the provision of dual aspect dwellings.

62 This is echoed in DM policy 32 which also states that there should be a minimum of separation distance of 21m between directly facing habitable windows on main rear elevations. The Small Sites SPD guidance revised this figure to 16m

Discussion

63 All four flats would be dual aspect as a minimum providing good levels of outlook and passive cross ventilation. The cross ventilation would provide adequate mitigation against overheating. In privacy terms all four flats are an appropriate distance from the neighbouring buildings in compliance with the Small Sites SPD guidance. The screening to the side of the balconies for Flats 10 and 11 coupled with the obscure glazing proposed for the southernmost window would ensure there would be no direct views towards the adjacent bedroom of Flat 9. These measures are considered sufficient to ensure acceptable levels of privacy and would be secured via condition.

6.2.3 Daylight and Sunlight

Policy

64 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of sunlight and daylight for its neighbours.

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

66 The NPPF does not express particular standards for daylight and sunlight. Para 125 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.

Discussion

67 A Daylight and Sunlight Report (Daylight & Sunlight UK Limited, January 2023) has been submitted with the application. The report provides an analysis of the internal levels of sunlight and daylight for the residential accommodation against the relevant standards of the BRE *Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 2022* guidance. The results confirm that all of the proposed residential accommodation

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

would be complaint with the BRE standard. As such, Officers are satisfied that the proposed development would receive acceptable levels of natural light.

6.2.4 Noise & Disturbance

Policy

68 Paragraph 174 of the NPPF states decisions should amongst other things prevent new and existing developments from contributing to, being put at an unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Paragraphs 186 states decisions should mitigate to reduce a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts to quality of life.

Discussion

69 The surrounding area is predominately residential save for the commercial uses within Ashby Mews. These uses are compatible with residential accommodation as emphasised by their location at the end of residential gardens. The surrounding roads do not generally experience high levels of traffic and therefore Officers are satisfied that additional mitigation against external noise would not be required.

6.2.5 Accessibility and inclusivity

Policy

70 London Plan Policy D7 requires 10% of residential units to be designed to Building Regulation M4(3) 'wheelchair user dwellings' i.e. designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users; with the remaining 90% being designed to M4(2) 'accessible and adaptable'.

Discussion

71 The constraints imposed by converting and extending an existing building would prevent the provision of wheelchair accessible and adaptable units as it would not be possible to provide level access. It would not be proportionate to require that a lift be installed given the modest scale of development. Therefore, in this case the failure to provide M4(2) and M4(3) compliant accommodation is considered acceptable taking into account the otherwise high-quality standard of accommodation and positive contribution to housing supply.

6.2.6 Air Quality

Policy

72 NPPF para 174 states that planning decisions should among other things prevent new and existing development being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution.

Discussion

73 The application site is located within an Air Quality Management Area. However, no assessment has been submitted quantifying air quality at the application site. Despite the absence of a report Officers are satisfied that the residential location coupled with

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

the distance from the main roads would ensure that the passive ventilation provided by the windows would be adequate to mitigate any harm from air pollution.

6.2.7 Residential quality conclusion

74 Overall, the standard of residential accommodation is generally good quality and compliant with the relevant standards and policies.

6.3 URBAN DESIGN & HERITAGE IMPACT

General Policy

75 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.

Policy

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

77 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

78 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to, amongst other things, designated heritage assets. As far as relevant to the present application, that requires an LPA to place great weight on any harm to a designated heritage asset (which includes a conservation area). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be given great weight, and be weighed against the public benefits of the proposal.

79 LPP HC1 states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

80 LPP D3 states that development proposal should respond positively to the existing character of a place by identifying the special characteristics and features of the locality.

81 CSP 15 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

82 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.

83 DMP 30 requires a site specific response that creates a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 84 DMP 31 states that development proposals for alterations and extensions, including roof extensions 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 complementary materials should be used, appropriately and sensitively in relation to the context.
- 85 DMP 33 supports the principle of new development within a street frontage but seeks to ensure that the proposed development would make a high quality positive contribution to the area whilst also providing a site-specific creative response to the character and issues of the street frontage typology.
- 86 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.
- 87 The Small Sites SPD provides guidance for the redevelopment of small infill sites (maximum 0.25ha). Sections 27, 30 and 33 are of particular relevance and paragraph 30.1.6 within Section 30 warns that that in most cases vertical intensification within Conservation Areas will be resisted.
- 88 Further guidance is given with the Brockley Conservation Area Character Appraisal and SPD.

Discussion

- 89 In the assessment of the previous application (ref DC/21/124306), Officers identified that an extension would introduce less than substantial harm to the Brockley Conservation Area. This harm was principally attributed to the bulk and massing of the second-floor extension as the following assessment with the Officers Report for application DC/21/124306 makes clear:

“The proposed third storey extension would be set back from the front façade by 1.5m and set in from both sides by 0.8m. The third storey would measure 16.1m wide with a height of between 2.2m and 2.6m due to the slope of the roof. This would represent a significant increase in additional bulk and massing to the building and would therefore increase its prominence within the streetscene.

This section of Ashby Road connects Manor Avenue and Upper Brockley Road, which historically are grander than the side roads and Mews’ located to the rear. Buildings in Ashby Mews and at the entrances of mews’ have historically been lower in height and scale and therefore visually secondary and subservient to the main residential roads. The introduction of the third storey would subvert the historic context and pattern of development by competing with the buildings on Manor Avenue and Upper Brockley Road in terms of height and stature thereby eroding the hierarchical spatial character of the Conservation Area.”

- 90 Harm to the character and appearance of the Brockley Conservation Area was a main issue for the appeal against application DC/21/124306. This appeal was dismissed; however, the inspector’s assessment of the visual impact of the extension was clear that the bulk and massing of the extension would not introduce harm to conservation area as appeal decision APP/C5690/W/22/3296443 (see Appendix 2) explains at paras 8-11:

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

“On the Ashby Mews elevation, the roof extension would step down as the building progresses into the mews. The plans show that the extension would be lower than the Royston Court development opposite the site and the descent of the resulting building into the mews would sit comfortably with the buildings in the mews whilst drawing on some of the design features of the mews buildings in terms of materials, colours and form.

On the Ashby Road elevation the roof extension creates the most perceptible change to the appearance of the building in relation to its surroundings due to the increase in scale and mass. It would however be seen in the context of the three storey terraces of Manor Avenue and Upper Brockley Road, and opposite Royston Court that has accommodation over three levels.

I find that the design approach in this case, whereby a distinct separation from the main body of the host building is proposed, would relieve any potential dominance of the building. This is combined with the set-back from the edge of the building on the Ashby Road elevation, would create an extension that would appear as a softer roof addition as opposed to a potentially more overbearing upward continuation of the existing building in terms of design and siting. The overall scale would remain subservient in the context of the terraced properties either side and would not be out of character within the area as a whole. When combined with the separation from the terraces, I do not consider that the resulting building would visually compete with them

It follows that I do not consider that there would be harm to any of the non-designated heritage assets in the BCA, including Ashby Mews to the rear of the site. Open views to the rear of properties on Manor Avenue and Upper Brockley Road and across their gardens would remain appreciable following the development.”

- 91 It is therefore evident that the Inspector found the siting and design of the extension would ensure that the third storey would read as a subservient addition to the townscape. Officers have carefully considered this assessment, and consider that it is correct and there has been no relevant change in policy or guidance since that decision.
- 92 At paras 6 and 7 of the appeal decision the Inspector gives weight to the materials and design quality as a factor in preventing visual harm. As such, it is considered necessary to impose a condition securing details of the materials and design details to ensure that the proposed level of design quality is delivered. This would include details of the brickwork, cladding materials and fenestration as advised by the Conservation Officer.
- 93 A condition is also recommended securing details of the siting and appearance of the proposed Air Source Heat Pump and intakes to ensure that these would be sensitively located to prevent any visual harm to the Conservation Area.
- 94 The impact of the development to the public realm was raised as a concern within the objections to scheme. However, the development would be contained to the curtilage of the property and therefore would not introduce any permanent physical obstructions to any public areas
- 95 Officers are therefore satisfied that the current proposal would lead to no harm to the Brockley Conservation Area.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

6.3.1 Urban design conclusion

96 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character and appearance of the Brockley Conservation Area.

97 Therefore, the proposed development is considered acceptable in urban design terms.

6.4 TRANSPORT IMPACT

General policy

98 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 106. 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.

99 Para 111 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”.

6.4.1 Local Transport Network

Policy

100 The NPPF at paragraph 106 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

101 LPP T4 states that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity.

Discussion

102 The application site has a PTAL of 4, which is a good level of public transport accessibility. Officers are therefore satisfied that the relatively modest scale of development could be accommodated within the existing transport infrastructure and network without any significant additional mitigation.

6.4.2 Servicing and refuse

Policy

103 CSP13 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.

104 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Discussion

- 105 An additional bin store would be constructed within the front garden to accommodate the increased requirement generated by the three additional and one enlarged flats. The store would accommodate four bins which would be commensurate with the policy requirement and ensure that bins are unlikely to cause obstructions to the footway. A condition is recommended securing details of the appearance of the store and the provision of the facilities prior to the occupation of the building.
- 106 The servicing demand generated by the proposed residential accommodation is unlikely to be significant given the scale of development. Therefore, Officers are content that the building can continue to be serviced from the roadside consistent with the existing arrangement.

6.4.3 Transport modes

Cycling

Policy

- 107 Residential development is required to provide cycle parking in accordance with the requirements of Policy T5 and Table 10.2 of the London Plan.

Discussion

- 108 A cycle store would be provided to the west of the property providing facilities for eight cycles thereby exceeding the seven stipulated within Table 10.2 of the London Plan. The store would be covered and would accommodate four Sheffield stands which are considered accessible in accordance with the London Cycle Design Standards.
- 109 The objections to the development have questioned whether the store would be safe and accessible given that it would be accessed via Ashby Mews, which is an unadopted road in private ownership with a gated entrance. In response the applicant has confirmed that the cycle store would be accessible even were the gates to be closed. This has been confirmed on site by Officers and it was also apparent that the mews is publicly accessible. As such, Officers are satisfied that the cycle store would be practically and feasibly accessible.
- 110 A condition is recommended securing details of the appearance of the store and the provision of the facilities prior to the occupation of the development.

Cars

Policy

- 111 LP Policy T6 supported by CSP 14 and DMP 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.
- 112 LP Policy T6.1 together with Tables 10.3 set out the parking standards for residential uses

Discussion

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 113 No off-street parking would be provided by the development, which is supported given the PTAL rating. The additional residential accommodation would likely generate parking demand within the surrounding streets. There are no on-street restrictions, in the form of a CPZ preventing car parking, so it is not possible to prevent parking in the surrounding area.
- 114 The applicant has not provided a parking survey to document parking capacity in the area. The objections to the development state that parking stress is high. However, a site visit and general knowledge of the area indicates that there is sufficient capacity in the surrounding roads to accommodate what is likely to be a modest amount of additional demand. Therefore, as a matter of planning judgement Officers are satisfied that no additional mitigation is required. In coming to this conclusion Officers have taken into account the scale of development proposed, the good PTAL and the provision of cycling facilities.

6.4.4 Construction

Policy

- 115 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road. Additionally, LPP T7 requires that construction logistic plans should be developed in accordance with TfL guidance

Discussion

- 116 The Draft Construction Management Plan (CMP) (Entran, November 2021) indicates that the construction impacts to the local transport and highway network would not be significant with no obstructions necessary other than for deliveries and loading. However, the draft CMP lacks detail and fails to address some crucial features of the surrounding area such as the proximity to Myatt Garden Primary School and the associated school road. As such, a more comprehensive CMP would be secured by condition. It is envisaged that an acceptable CMP would include limits on the timing of deliveries so as to avoid school drop-off and pick-up times.

6.4.5 Transport impact conclusion

- 117 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

- 118 NPPF paragraph 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 D3, D6 and D14) and in the Development Management Local Plan (DMP 30, 32 and 33).
- 119 DMP 31 (1) (b) expects new development to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

120 The main impacts on amenity arise from: (i) overbearing sense of 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.

6.5.1 Enclosure and Outlook

Policy

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

122 The Small Sites SPD (October 2021) in subsection 12.3 provides guidance in respect of separation distances buildings.

Discussion

123 The Small Sites SPD provides guidance on appropriate distances between new development and existing properties to ensure that impacts to amenity are within acceptable levels. Figure 27 of the SPD states that new development should generally not intercept a 25-degree line from the centre of the ground floor windows nor a 43-degree line from a point 1.6m above ground level 10m from the rear elevation.

124 The 25-degree and 43-degree lines have not been modelled by the applicant. However, the rear gardens of the properties on Manor Avenue are approximately 32m in length and the distance from the rear elevations on Upper Brockley Road is approximately 35m. Therefore, exercising planning judgement, Officers consider that the impacts to outlook levels at the surrounding residential properties would be acceptable.

125 Turning to the impact to the existing flats within the application site. The extensions would be built above the level of the majority of the existing flats and would not impede any first-floor windows. The three rooflights being removed to facilitate the development serve a communal corridor, a bathroom and a dual aspect living room for Flat 3. The loss of these rooflights would therefore not be harmful to existing levels of outlook.

126 The appeal decision for previous application DC/21/124306 identified that the extension would have a harmful impact to outlook for Flat 2 due to enclosing the rooflights serving a bedroom. In assessing this impact the inspector reached the following conclusion (Appeal Ref: APP/C5690/W/22/3296443 paras 16 and 17)

“The second bedroom to the property in terms of daylight, sunlight and outlook, is served solely by two flat rooflights that are recessed into the ceiling of the room. The existing side elevation of the first floor of the appeal building sits immediately adjacent to these rooflights. The proposed development would create two storeys either side of these rooflights, wrapping around them.

I accept that the existing outlook from the room is poor, however it nevertheless encompasses a changing sky and would be significantly harmed and worsened by having two storeys either side which would severely curtail the outlook.”

127 As the paragraph above makes clear the inspector attributes the harmful impact to locating the extension adjacent to the two rooflights. The revision to the siting of the proposed extension would set the extension away from the rooflights meaning that the rooflight would continue to receive largely unimpeded sunlight and daylight from east. There would be some impact from the balconies of the extension, particularly the privacy screens, but these would be set back further than the extension as previously proposed

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

with considerably less bulk. Accordingly, Officers are satisfied that the reduction to the massing of the extension has successfully overcome the limited scope of harm identified within the appeal decision.

- 128 The reduction to the massing of the extension would not introduce any additional impacts to the ground floor flats above that assessed for the previous application. As such, Officers conclude that the impact to the outlook of the other ground floor flats would be acceptable. This assessment is consistent with the appeal decision.

6.5.2 Privacy

Policy

- 129 DM Policy 32 states that adequate privacy is an essential element in ensuring a high level of residential amenity. Unless it can be demonstrated that privacy can be maintained through design, there should be a minimum of separation distance of 21m between directly facing habitable windows on main rear elevations. This separation distance will be maintained as a general rule but will be applied flexibly dependent on the context of the development.
- 130 The Small Sites SPD guidance revised this figure to 16m and at Figs. 29-31 states that conventional windows serving habitable rooms in new dwellings should be at least 6m from the private garden zone defined as the area of garden 10m from the rear elevation.

Discussion

- 131 The distances between the side elevation windows within the proposed extension and the rear elevation windows and rear garden privacy zones at the adjacent properties on Manor Avenue and Upper Brockley Road would be compliant with the Small Site SPD guidance and therefore the impacts are considered acceptable.

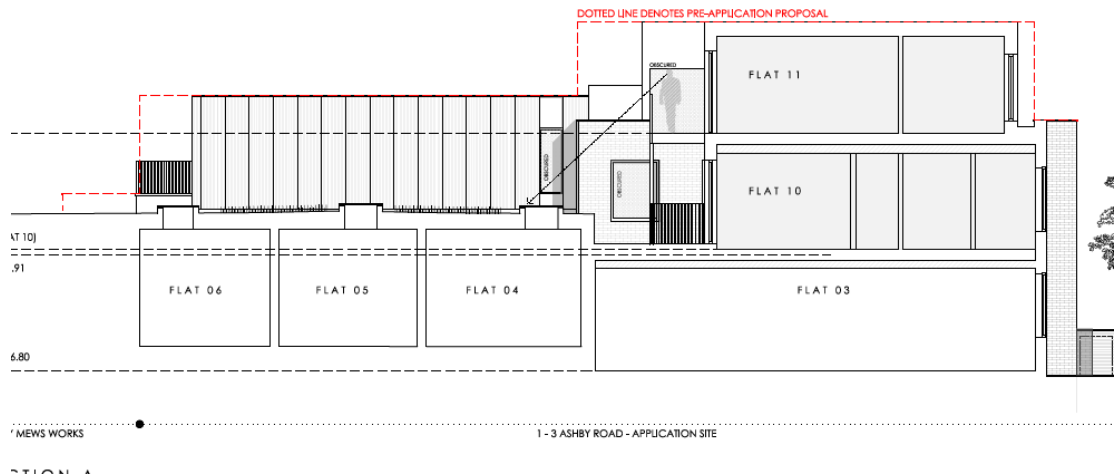
Flats 10 and 11 would feature balconies within close proximity to the rear gardens on Manor Avenue. Screens would be installed to the eastern side of the balconies to prevent views towards the gardens. The balconies would also be screened to the west to prevent overlooking towards adjacent windows at Flat 9. The unusually thick roof coupled with the separation distance would ensure that direct overlooking into the ground floor flats to the rear from the balconies via the rooflights would not be possible, this is illustrated within Figure 3 below.

Figure 3. Section drawing showing views from the Flat 11 Balcony towards the rear

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>



- 132 The two windows in the eastern side elevation of Flat 9 located adjacent to rooflights would be fitted with opening restrictors to prevent the unlikely scenario of a resident leaning out of the window and being afforded direct overlooking to the flats below. The opening restrictors and balcony screening would be secured by condition. A condition is also recommended preventing the use of the green roof as an amenity terrace.
- 133 The proposed balcony for Flat 9 would feature a 1.8m screen to the rear to ensure that the balcony would not have primary outlook entirely over the neighbouring Unit 1 Ashby Mews, given the potential to limit development on that site. The balcony would retain outlook to the sides, which is considered acceptable given the existing unit does not benefit from any external amenity space. The screen would also limit outlook to the adjacent windows and doors serving the living room. This is not considered harmful as the living room is dual aspect with windows with unconstrained outlook to the west. The provision of the screening would be secured by condition.

6.5.3 Daylight and Sunlight

Policy

- 134 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of sunlight and daylight for its neighbours.
- 135 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.
- 136 The NPPF does not express particular standards for daylight and sunlight. Para 125 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.
- 137 The three methods for calculating daylight are as follows: (i) Vertical Sky Component (VSC); (ii) Average Daylight Factor (ADF); and (iii) No Sky Line (NSL).
- 138 The VSC is the amount of skylight received at the centre of a window from an overcast sky. The ADF assesses the distribution of daylight within a room. Whereas VSC assessments are influenced by the size of obstruction, the ADF is more influenced by factors including the size of the window relative to the room area and the transmittance

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

of the glazing, with the size of the proposed obstruction being a smaller influence. NSL is a further measure of daylight distribution within a room. This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.

139 The BRE guide target value for VSC is 27%. However, where the values are lower than this in the existing situation, the BRE allows a reduction of 20%, subject to mitigating factors. While any reduction of more than 20% would be noticeable, the significance and therefore the potential harm of the loss of daylight is incremental. The following is a generally accepted measure of significance:

- 0-20% reduction – Negligible
- 21-30% reduction – Minor Significance
- 31-40% reduction – Moderate Significance
- Above 40% reduction – Substantial Significance

140 Sunlight is measured as follows: (i) Annual Probable Sunlight Hours (APSH); and (ii) Area of Permanent Shadow (APS)

141 The APSH relates to sunlight to windows. BRE guidance states that a window facing within 90 degrees due south (windows with other orientations do not need assessment) receives adequate sunlight if it receives 25% of APSH including at least 5% of annual probable hours during the winter months. If the reduction in APSH is greater than 4% and is less than 0.8 times its former value then the impact is likely to be noticeable for the occupants. The APS relates to sunlight to open space: the guidance states that gardens or amenity areas will appear adequately sunlit throughout the year provided at least half of the garden or amenity area receives at least two hours of sunlight on 21st March.

Discussion

142 A Daylight and Sunlight Report (Daylight & Sunlight UK Limited, January 2023) has been submitted with the application. The report provides an assessment of the impact of the proposed development against the relevant BRE standards for the windows and amenity spaces at the following properties

- Royston Court
- 54-58 Manor Avenue
- 69-75 Upper Brockley Road
- 1-3 Ashby Road (Ground Floor)

143 The report concludes that the proposed development would comply with BRE guidelines in terms of the impact to sunlight (where relevant) and daylight levels at windows and overshadowing to amenity spaces for all of the residential accommodation in the surrounding properties.

144 For the residential accommodation located at ground floor level of the host building the report finds that the impact to sunlight (where relevant) and daylight levels would be fully BRE compliant. This differs from the previous scheme where the report found that the NSL (in the Daylight and Sunlight Report, this is referred to as Daylight Distribution (DD)) value for a bedroom within Flat 2 would fall to 49% of the existing level, 31% below the target value of 80%. The harm to light and outlook levels for this room formed the only

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

reason for dismissing the appeal for application DC/21/124306 and is summarised at paragraphs 19-21 of appeal decision APP/C5690/W/22/3296443 which are included below:

“For flat 2, or indeed Ashby House generally, no assessment of the VSC has been undertaken. For bedroom 2 of flat 2 the report states that the DD would be reduced to about half and would fail to meet BRE guidelines. The report continues that the bedroom would still be in excess of the Average Daylight Factor (ADF) Assessment, however the report highlights, this is not one of the principal assessments that is required to be undertaken in order to assess daylight to surrounding buildings.

In terms of the resulting impact, the appellant draws comparison with a hotel room in a city centre that looks directly onto another tall building opposite that the room becomes brighter as you move towards the window as more sky is seen. The appellant continues that, the rear of the room is not pitch black just because it cannot see the sky directly, instead it benefits from the reflected (indirect) light. The comparison is, however, quite a different scenario to the appeal proposal, and fundamentally relates to a hotel room as opposed to a habitable room in a dwelling. I therefore give the comparison limited weight in the appeal.

I acknowledge that the Council took a different view in their assessment of the effect of the proposed development on the living conditions of existing occupants. The Council acknowledged the failure to meet the BRE target but considered that the harm would not warrant refusal of the application given that this is the only transgression. I appreciate that this is the only transgression and relates to one habitable room in one dwelling, however I do not consider that this justifies causing the significant harm I have identified as a matter of planning judgement. This is despite the room achieving an ADF that would meet the BRE guidance. My assessment also acknowledges the current visual amenity of the dwelling as a whole as outlined above. This reinforces the significance of ensuring that other habitable rooms in the property in respect of living conditions, are not significantly harmed.”

- 145 The Daylight and Sunlight Report demonstrates that the reduction to the massing of the extension has successfully overcome the harm identified within the appeal decision by ensuring that the NSL/DD value would be compliant with the BRE requirement. The report also provides an assessment for VSC and finds that both rooflights serving the room would fall to approximately half the existing value but that the absolute value for both rooflights would exceed 27% in compliance with the BRE guidelines. As such, Officers are satisfied that the impact to natural light to Flat 2 would be within acceptable levels.
- 146 The objections to the development and comments at the Local Meeting questioned the methodology and conclusions of the report on the basis that the report was not compiled with the benefit of a site visit to the neighbouring properties. Officers have no concerns with the methodology employed for the report and are satisfied that the assessment and assumptions were undertaken in accordance with the industry guidelines and best practice. This includes modelling the impacts based on floor plans and other remote tools rather than on site.

6.5.4 Noise and disturbance

Policy

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 147 The NPPF at para 170(e) states decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. At para 180(a) of the NPPF states that planning 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
- 148 The National Planning Policy Guidance for Noise (July 2019) advises on how planning can manage potential noise impacts in new development. It states that local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider whether or not:
- a significant adverse effect is occurring or likely to occur;
 - an adverse effect is occurring or likely to occur; and
 - a good standard of amenity can be achieved.
- 149 LPP D14 states that residential development should avoid significant adverse impacts to quality of life.
- 150 DMP 26 states that the Council will require a Noise and Vibration Assessment for noise and/or vibration generating development or equipment and new noise sensitive development, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician

Discussion

- 151 No long-term impacts are likely to arise from the provision of a residential development within a predominately residential area. The objections to the development and questions within the local meeting raised disturbance from construction activity as a significant concern, particularly for residents who work from home. Officers concur that there is potential for disturbance during the construction phase so consider it necessary to impose conditions for a Construction Management Plan and to limit the time of works and deliveries to neighbourly hours. These conditions would not eliminate disturbance during weekdays but would ensure that disturbances are minimised as far as is practical and are therefore considered sufficient given the short-term nature of the noise impacts.
- 152 The Energy and Sustainability Statement (PES, January 2023) submitted with the application details that an Air Source Heat Pump (ASHP) would be installed to deliver the heating and hot water demands of the development. Limited information has been submitted regarding the location of the ASHP or any noise attenuation required to prevent noise from exceeding background noise levels at the nearest residential windows. A condition is recommended to secure this information prior to the equipment being installed.

6.5.5 Impact on neighbours conclusion

- 153 The reduction to the massing of the proposed extension compared to the 2021 scheme is considered sufficient to overcome the harm to Flat 2 identified within the appeal decision. This amendment coupled with the conditions recommended above would therefore ensure that the impacts to the living conditions of the neighbouring properties would be within acceptable levels.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

6.6 SUSTAINABLE DEVELOPMENT

General Policy

- 154 Para. 149 of the NPPF requires Local Planning Authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.
- 155 CS Objective 5 reflect the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this

6.6.1 Urban Greening

Policy

- 156 LPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls.
- 157 CSP 7 expects urban greening and living roofs as part of tackling and adapting to climate change. DMP 24 requires all new development to take full account of biodiversity and sets standards for living roofs.

Discussion

- 158 The site mainly comprises built form with areas of landscaping restricted to the front garden and a narrow area of planting along the Ashby Mews frontage. A modest area of the planting would be lost to accommodate a bin store. This would be adequately compensated by the installation of a living roof system to the remaining areas of flat roof at first floor level delivering a net increase in urban greening. A condition is therefore recommended securing the provision of the living roof prior to the occupation of the development. It is deemed necessary that this be a prior to commencement condition to ensure the structure's design accommodates the weight of a living roof.

6.6.2 Flood Risk & SuDS

Policy

- 159 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.
- 160 LPP SI 12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 161 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

Discussion

- 162 The application site is not located in a flood risk zone and the scale of development does not require a detailed SuDS scheme. However, the introduction of a green roof would

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

likely reduce run-off rates and therefore has the potential to deliver some drainage benefits. This has not been substantiated by a detailed report and therefore does not carry weight as a planning merit.

6.6.3 Sustainable Infrastructure conclusion

163 The proposal is considered acceptable sustainable infrastructure terms subject to the condition recommended securing the provision of the living roof.

6.7 NATURAL ENVIRONMENT

General Policy

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

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

166 The NPPF at para 180 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 Biodiversity & Ecology

Policy

167 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.

168 NPPF para 170 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. NPPF para 175 sets out principles which LPAs should apply when determining applications in respect of biodiversity.

169 LPP G6 expects Sites of Importance for Nature Conservation (SINCs) to be protected. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.

170 CSP 12 seeks to preserve or enhance local biodiversity.

171 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.

Discussion

172 The proposed development includes the provision of a green roof at first floor level to the remaining area of flat roof. The details submitted with the application indicate that this would be sedum system. Sedum roofs do not provide the species richness or quality of planting required to maximise the contribution to biodiversity. Therefore, a pre-

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

commencement condition is recommended securing the provision of an extensive biodiverse living roof.

6.7.2 Trees

Policy

- 173 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.
- 174 NPPF para 131 seeks to retain trees wherever possible while para 170 expects development to contribute to and enhance the natural and local environment.
- 175 LPP G7 expects development proposals to ensure that, wherever possible, existing trees of value are retained. Where it is necessary to remove trees, adequate replacement is expected based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or other appropriate valuation system.
- 176 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.
- 177 DMP 25 sets out the required information for landscaping plans and their management, along with the information required to support development affecting trees. The policy states that development schemes should not result in an unacceptable loss of trees, especially those that make a significant contribution to the character or appearance of an area, unless they are considered dangerous to the public by an approved Arboricultural Survey. Where trees are removed as part of new development, replacement planting will normally be required. New or replacement species should be selected to avoid the risk of decline or death arising from increases in non-native pests and diseases.

Discussion

- 178 The application site features mature trees in the front and side landscaped area. No harmful impacts to these trees are anticipated given that the development would not feature any significant building works at ground level and the trees do not project significantly above the existing level of the adjacent roof. A standard condition is recommended to ensure the trees are protected during works.

6.7.3 Air pollution

Policy

- 179 LPP SI1 states that development proposals should seek opportunities to identify and deliver further improvements to air quality and should not reduce air quality benefits that result from the Mayor's or boroughs' activities to improve air quality.
- 180 The Air Quality Neutral LPG provides additional guidance and established the benchmark values for assessing whether a development would achieve air quality neutral.

Discussion

- 181 No Air Quality Assessment has been submitted with the application. However, the information submitted is sufficient to undertake an assessment against the benchmark values for building and transport emissions set by the Air Quality Neutral LPG.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Regarding building emission the LPG states that minor development will be considered Air Quality Neutral where:

- the new heating system is a heat pump or other zero-emission heat source;
- the new heating system includes one or more individual gas boilers with NOx emissions rated at less than 40 mg/kWh; or
- the development is connecting to an existing heat network

182 In this case the Energy and Sustainability Statement (PES, January 2023) states that the development would utilise an ASHP. Therefore, the development is considered air quality neutral in building emission terms in accordance with the LPG and the provision of the ASHP would be secured by condition.

183 Turning to transport emissions, the LPG states that minor development will be assumed to be Air Quality Neutral where it complies with the maximum parking standards set by LPP T6 and T6.1. No on-site parking is proposed as part of the development and therefore the scheme would comply with the guidance. As such, the development is considered Air Quality Neutral.

6.7.4 Natural Environment conclusion

184 Officers are satisfied that there would not be any adverse impacts to the natural environment.

7 LOCAL FINANCE CONSIDERATIONS

185 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).

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

187 The CIL is therefore a material consideration.

188 £21,760.54 Lewisham CIL and £14,377.50 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

189 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.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 190 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.
- 191 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.
- 192 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>
- 193 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
- 194 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>
- 195 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.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

9 HUMAN RIGHTS IMPLICATIONS

196 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

197 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.

198 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.

199 This application has the legitimate aim of providing a extending a building with residential uses. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1: Right to peaceful enjoyment of your property are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

201 The proposed development is, with the exception of a reduction to the massing of the extension intended to overcome the harm identified by the Inspector, fundamentally the same scheme as the previous application (ref DC/21/124306) which was dismissed at appeal in 2022, on narrow grounds. The appeal was dismissed solely on the grounds that the extension would cause a harmful reduction to light and outlook to Flat 2 on the ground floor of the host property. The aforementioned change has addressed the limited scope of harm to Officer's satisfaction. On all other matters the Inspector found that the development would be acceptable, including its impact on the Brockley Conservation Area. The weight that should be given to the Appeal Decision is summarised at Para 53 above.

202 In housing terms, the site is considered a sustainable location for intensification at the density proposed and the unit mix and quality of the accommodation are supported. Accordingly, the contribution to overall housing supply and small sites housing targets forms a planning merit of the scheme that carries positive weights within the overall planning balance limited by the modest scale of development.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

203 Finally, Officers have identified no further concerns in terms of urban design nor additional impacts to the living conditions of the neighbouring properties. In addition, the impacts to transport, sustainable infrastructure and the natural environment are considered acceptable. As such, the proposed development is recommended for approval subject to conditions.

11 RECOMMENDATION

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

11.1 CONDITIONS

1. 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:

EX.001 Rev A;
EX.100 Rev B;
EX.101 Rev A;
EX.102 Rev A;
EX.103 Rev A;
EX.104 Rev A;
EX.105 Rev A;
EX.106;
EX.107;
EX.108;
PA 001;
PA.100 Rev B;
PA.101 Rev E;
PA.102 Rev E;
PA.103 Rev C;
PA.104 Rev B;
PA.105 Rev B;
PA.106 Rev E;
PA.107 Rev C;
PA.108 Rev B;
PA.109 Rev A;
PA.110 Rev A;
PA.111;
PA.112 Rev E;
PA.113 Rev D;
PA.114
OS.01 Rev A.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

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. **Construction Management Plan**

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

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity, such vehicle trips to avoid the 30mins before and after Myatt Garden Primary School drop-off and pick-up times.
 - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Measures to ensure no construction activity (including works and deliveries taken at or despatched to the site) shall take place other than between the hours of 8 am and 6pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.
- (g) Details of the training of site operatives to follow the Construction Management Plan requirements

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

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy SI1 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

4. **Materials & Design Quality**

(a) No above ground works shall commence on site (excluding demolition) until a detailed schedule and specification including manufacturer's literature or detailed drawings including horizontal and vertical cross sections at suitable scales (e.g. 1:5, 1:10 or 1:20 where relevant), in respect of the following:

- (i) brickwork, mortar, bond and pointing (sample panel on site);
- (ii) exterior cladding materials, joins and junctions;

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- (iii) windows and reveals
- (iv) external doors;
- (v) rainwater goods;
- (vi) balconies and balustrades

has been submitted to and approved in writing by the Council.

(b) The works shall then be carried out in full accordance with the approved details prior to the first occupation of the development, and retained thereafter.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that 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.

5. Refuse & Recycling Facilities

(a) Prior to the first occupation of the development further plans and elevations showing the design and dimensions of the bin store for the approved residential accommodation as shown on drawing PA.001, shall be submitted to and approved in writing by the local planning authority.

(b) The refuse and recycling facilities shall be installed in accordance with the details approved under Part (a) 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).

6. Cycle Parking Facilities

(a) Prior to first occupation, full details of the design and specification of the cycle parking store and facilities for 8 long-stay spaces, as shown on approved drawing PA.001, shall be submitted to and approved in writing by the local planning authority.

(b) All cycle parking spaces shall be provided in full accordance with the details approved under part (a) 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).

7. Living Roof

(a) Notwithstanding the specification submitted with the application, prior to the commencement of the development details of an extensive biodiversity living roof system (substrate depth of 80–150mm) to include specification, drawings and maintenance details for the living roof and details of any structural works required, laid

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

out in accordance with drawing PA.101 Rev D, shall be submitted to and approved in writing by the local planning authority.

(b) The living roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair or escape in case of emergency.

(c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policy G5 Urban greening in the London Plan (2021), Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

8. **Tree Protection Plan**

Any trees shown to be retained on the drawings hereby approved shall be protected in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) the entirety of the construction period including demolition and site preparation, such protection to include the use of protective barriers to form a construction exclusion zone, employ suitable ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets 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).

9. **Screening**

(a) The residential units hereby approved shall not be occupied until full details of the siting and specification of the screening to all of the roof terraces and balconies, to comply with approved drawings PA.101 Rev E and PA.102 Rev E, have been submitted to and approved in writing by the local planning authority.

(b) The privacy screens shall be installed in full accordance with the details approved by part (a) prior to the occupation of any of the residential units and retained for the lifetime of the development.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to protect the privacy of the approved residential accommodation and to comply with DM Policy 32 Housing design, layout and space standards of the Development Management Local

10. **Air Source Heat Pumps (ASHP)**

(a) No ASHP shall be installed until details of the location, specification and appearance of the ASHP equipment, which shall include details of the equipment's

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

noise rating and measures to alleviate visual impact, noise and vibration, have first been submitted to and approved in writing by the local planning authority.

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

Reason: In order to safeguard local air quality and the amenities of the residential occupiers and to minimise the visual impact in compliance with Policies D14 Noise and SI1 Improving Air Quality of the London Plan (March 2021) and Policies 26 Noise and vibration, 30 Urban design and local character and 37 Non-designated heritage assets including locally listed buildings, areas of special local character and assets of archaeological interest of the Development Management Local Plan (November 2014).

11. Window Opening Restrictions

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the windows to be installed in the eastern elevation of the extensions (annotated as fixed on drawings PA.101 Rev E and PA.102 Rev E) hereby approved shall be fixed shut and retained as such in perpetuity.

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

12. Water Efficiency

Mains water consumption shall be compliant with the Optional Requirement set out in Part G of the Building Regulations of 105 litres or less per head per day.

Reason: In order to minimise the use of mains water and to comply with Policy SI5 Water infrastructure of the London Plan (March 2021).

13. Unit Mix

The development hereby approved, shall provide six residential units comprised of 1 one-person studio, 1 one-bedroom two-person, 1 two-bedroom four-person and 1 three-bedroom five-person flats.

Reason: To comply with the unit mix assessed under this application.

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

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.

2. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
3. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

12 BACKGROUND PAPERS

- (1) Submission Drawings
- (2) Submission technical reports and supporting documents
- (3) Internal consultee responses
- (4) External consultee responses

13 REPORT AUTHOR AND CONTACT

Report Author: Alfie Williams (Senior Planning Officer)

Email: alfie.williams@lewisham.gov.uk

Telephone: 020 8314 9336

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>