

Committee	PLANNING COMMITTEE (C)
Report Title	2 RADLET AVENUE SE26 4BZ
Ward	Forest Hill
Contributors	Tabitha Lythe

Class	PART 1	Date: 16 AUGUST 2012
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Reg. Nos. DC/11/79054 as revised

Application dated 12.12.12 completed 12.01.2012 and revised 31.05.2012

Applicant Mr J Taylor

Proposal The formation of a basement to the side, to provide additional living accommodation.

Applicant's Plan Nos. P1 Rev B; P2; P3; P4; P5 Rev B; P6; P7 Rev A, Design and Access Statement.

Background Papers

- (1) Case File LE/454/2/TP
- (2) Adopted Unitary Development Plan (July 2004)
- (3) Local Development Framework Documents
- (4) The London Plan

Designation Core Strategy or Adopted UDP - Existing Use

1.0 Property/Site Description

- 1.1 2 Radlet Avenue is a two-storey, semi-detached house located on the north-west side of Radlet Avenue, directly opposite junction with Round Hill. Radlet Avenue is a short cul-de-sac accessed via Thorpewood Avenue. Round Hill is another cul-de-sac, with vehicle access via Radlet Avenue.
- 1.2 The property has a fairly medium-sized front garden area and a relatively small triangular shaped rear garden area, plus a triangular side garden, which constitutes the application site.
- 1.3 The road is characterised by similar style two-storey semi-detached residential properties.
- 1.4 2 Radlet Avenue is not listed and the site itself does not lie within a Conservation Area. That said, the boundary of the recently-extended Forest Hill Conservation Area now includes a number of properties in Thorpewood Avenue, including those immediately adjoining 2 Radlet Avenue, viz. 48, 48 and 50 Thorpewood Avenue. Thus, the side /rear boundary of the application site forms is the boundary of the Conservation Area.

2.0 Planning History

- 2.1 2002: planning permission was refused for the construction of a two storey extension and a garage to the side of 2 Radlet Avenue SE26, together with the installation of rooflights in the front and rear roofslopes in connection with conversion of the roof space, to provide additional living space. The application was refused for the following reasons:
- (1) The proposed two-storey side extension with a single-storey side garage is out of scale, does not respect form and shape of the original house and would be a bulky extension detrimental to the scale and character of the original building resulting in overdevelopment of the plot.
 - (2) The proposed single-storey side garage extension would be unrelated to the symmetry of the existing building.
- 2.2 2004: planning permission was refused for the construction of a two storey extension and a garage to the side of 2 Radlet Avenue SE26, together with the installation of rooflights in the front and rear roofslopes in connection with conversion of the roof space, to provide additional living space. The application was refused for the following reasons:
- (1) The proposed two-storey side extension with a single-storey side garage is out of scale, does not respect form and shape of the original house and would be a bulky extension detrimental to the scale and character of the original building resulting in overdevelopment of the plot.
 - (2) The proposed single-storey side garage extension would be unrelated to the symmetry of the existing building.
- 2.3 2007: planning permission was granted the construction of a two storey side and a single storey rear extension at 2 Radlet Avenue SE26, together with the installation of rooflights in the front, side and rear roof slopes in connection with the conversion of the roof space, to provide additional living accommodation.
- 2.4 2007 planning permission was granted for the construction of a basement to the front and side at 2 Radlet Avenue SE26 to create additional living accommodation.
- 2.5 2011: planning permission was refused for the construction of a two-storey, four-bedroom semi-detached dwelling house on land at the side of 2 Radlet Avenue SE26 for the following reason:
- (1) The proposed four-bedroom house would constitute an over-intensive form of development that does not reflect the established characteristics of the immediate area. The development would be visually obtrusive and harmful to the visual amenity, character and appearance of the area, resulting in over-development of the plot and having a negative and dominating impact on the adjoining Forest Hill Conservation Area.
 - (2) The proposed dwelling would be unacceptably cramped, leading to loss of amenity for future occupiers and neighbouring properties. Future occupiers would not benefit from adequate levels of privacy or good external amenity space.

In addition, the proposal would create loss of amenity to neighbouring residents at 46-50 Thorpewood Avenue by reason of overbearing impact, loss of outlook, overlooking, loss of privacy, increased activity, noise and disturbance.

- (3) The Applicant has failed to demonstrate how the proposal would respond to the 'lean, clean, green' principles contained within the London Plan. Insufficient information has been submitted in respect of efficient use of water, energy or resources and it has not been indicated that the proposal could meet Code for Sustainable Homes Standards Level 4. Consequently the application fails to address significant policy changes in respect of sustainability and climate change and the proposal is therefore.

3.0 Current Planning Applications

3.1 The Proposals

3.2 Planning permission is sought for the excavation of a basement under the side garden adjacent to the side elevation of the house. The area excavated would be 6.5m wide at the widest point and would run the length of the house plus 4m forward from the front elevation (12.3m long) and 3.15m deep. The garden would be reinstated on top of the excavated basement. The room would be used as a games room and social space in connection with the family home.

3.3 Amendments: Internal wall removed. Details of landscaping added to plans.

4.0 Consultation

4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

4.3 Following the consultation period a local meeting was held on the 14th May 2012 as the Forest Hill Society and Sydenham Society both raised objections to the proposal alongside local residents.

Written Responses received from Local Residents and Organisations

5.0 7 letters of objection received from 1 Radlet Avenue, 38, 40, 46, 48 and 50 Thorpewood Avenue and 17 Round Hill. The letters were submitted in response to the consultation. The following objections were received:

- Overdevelopment of the site as it would create a four-storey house.
- There is no precedent for building a cellar alongside a house.
- Elevation and plan drawings submitted are substantially incorrect as property is a three-storey house and not two-storey as shown as loft extension is missing.

- Excavation would undermine garden fence and shed at 48 Thorpewood Avenue.
- No geotechnical category and calculation of the destabilising actions or their effects and of proposed stabilising actions or their effects and of proposed stabilising actions and resistances by a geotechnically qualified engineer. Works could cause possible unbalancing of the property and or the ground of surrounding properties.
- Proposal could not be built as shown as it would not comply with fire regulations.
- Concerns about large amounts of soil that would need to be removed and impacts for soil in area.
- Concerns about how large amounts of soil would be removed from the area.
- Disturbance during works. There has already been improvements to this home causing disturbance to neighbours and this would bring further disruption.

Forest Hill Society

5.1 This is an unusual application for a basement extension to the side of the house only. This is in addition to a large roof extension on 2 Radlet Avenue which is not shown in the plans, despite being almost completed.

- We believe that the nature of this extension is unsuitable for the location and should be regarded as over-development. There are concerns about limited daylight to the basement. Our final concern is the proximity of the excavation to neighbouring properties.
- Bearing in mind these concerns we support neighbours of this property in opposing this application and hope that the council will reject this application.

Sydenham Society

5.2 The Sydenham Society strongly objects to the proposals for a basement level extension at the above property for which planning permission is being sought, for the following reasons:

- The proposals constitute massive over-development. The roof has already been converted in an unneighbourly and invasive fashion, completely out of keeping with the existing modestly sized 1950s dwelling house. The Society considers that the omission of these changes from the deposited drawings indicates a measure of dishonesty on the part of the applicant. He is trying to imply that the basement extension is the only addition to the original floor plan area. It is not. The roof extension must be taken into account as well.

- The Society considers that a basement level extension almost without any access to natural daylighting is wrong in principle, because its occupancy will depend on the consumption of electrical power to provide artificial lighting. The Climate Change Act of 2008 imposes on UK governance the requirement for a reduction in UK carbon emissions by 90% by the year 2050. This intention would be thwarted by the creation of energy-dependent living space, such as the basement as proposed.
- The basement floor plan is indicated on the deposited drawings as being contiguous with the site boundary. It seems to the Society that this scheme could not legally be implemented in the absence of party wall agreements with adjoining property owners. To the best of our knowledge and belief, no approaches have been made by the applicant to neighbours in the matter of putting the necessary agreements in place.

5.3 We hope that the proposals as deposited will be refused planning permission for the reasons we have stated above.

6.0 Policy Context

Introduction

6.1 In considering and determining applications for planning permission the local planning authority must "have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations" (Section 70 (2) of the Town and Country Planning Act 1990). Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The National Planning Policy Framework does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

6.2 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. In summary, this states, that for a period of 12 months from publication of the NPPF decision takers can give full weight to policies adopted since 2004 even if there is limited conflict with the NPPF. Following this period weight should be given to existing policies according to their consistency with the NPPF.

6.3 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, 214 and 215 of the NPPF.

Other National Guidance

6.4 The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)

London Plan (July 2011)

6.5 The London Plan policies relevant to this application are:

Policy 5.3 Sustainable design and construction

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.21 Trees and woodlands

Core Strategy

6.6 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham spatial strategy

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Unitary Development Plan (2004)

6.7 The saved policies of the UDP relevant to this application are:

URB 3 Urban Design

URB 6 Alterations and Extensions

URB 8 Shopfronts

URB 12 Landscape and Development

URB 13 Trees

URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas

HSG 4 Residential Amenity

HSG 7 Gardens

HSG 12 Residential Extensions

Residential Standards Supplementary Planning Document (August 2006)

6.8 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities

and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

7.0 Planning Considerations

7.1 The main issues to be considered in respect of this application are:

- (a) Principle of Development
- (b) Design
- (c) Highways and Traffic Issues
- (d) Impact on Adjoining Properties
- (e) Sustainability and Energy
- (f) Ecology and Landscaping

Principle of Development

7.2 The excavation of further habitable accommodation in connection with the main living space has been approved at other sites in the locality however these have all been under the existing main house. This proposal would seek the excavation under the garden to the side of the main house to provide further habitable accommodation. While there are no similar schemes in this area apart from that which was granted planning permission in 2007 at this property, albeit smaller in size, others have been approved in other London Boroughs. The proposal would not seek to change the use of the site and the applicant is proposing to reinstate the garden on top of the excavated basement with one glazed lightwell to provide light to the basement. Therefore the principle of excavation under the garden would be considered to be acceptable as it would not change the use of the site and would still leave the same amount of garden space.

7.3 During the local meeting concerns were raised about existing applications being allowed to be built on top of the basement and possible future extensions above the basement. Residents were informed that there were no current permissions in place for extensions above the basement and a planning application would be required for a two-storey extension above the basement therefore they would have the chance to comment on any future applications.

Design

7.4 The majority of the work would be underground and would therefore not be visible. The glazed lightwell and landscaping would be and given the current tired look of the site the landscaping of the garden would be an improvement. As the reinstatement of the garden and proposed landscaping are vital parts of the finished look of the scheme a condition could be added to ensure the landscaping works are carried out prior to the occupation of the basement.

Highways and Traffic Issues

7.5 Concerns have been raised about lorries having to come to remove the soil from the site. While there would be some disturbance during the removal this would be limited to during the excavation period and would not be a permanent problem.

Impact on Adjoining Properties

- 7.6 As the works would all be below ground level there would be no impact on sunlight/daylight, outlook or privacy to neighbouring properties.
- 7.7 Concerns have been raised about potential movement of neighbours gardens and property including fences and sheds due to the excavation and the already varying ground levels. A condition requiring details of the excavation process including details of supporting neighbouring fences, sheds and gardens within 5m of the excavations would overcome this.
- 7.8 Disturbance to neighbouring properties during the works has also been raised as a concern. While this is not a planning consideration the Council has powers under Environmental Health regulations to serve notices if works are found to breach acceptable levels of disturbance.

Sustainability and Energy

- 7.9 During the local meeting the lack of natural lighting and ventilation was raised as a concern as this would encourage the use of more energy to light and ventilate the basement. The Council does not have specific policies relating to electrical lighting and natural ventilation therefore there is no requirement for the proposal to meet particular levels. While sustainability and reduction in energy are important, as the proposal is an extension to an existing house it would be onerous of the Council to require the applicant to meet more than building regulations for this.

Ecology and Landscaping

- 7.10 The removal of soil for the excavation of basements raises concerns about surface water run off as the water has less places to drain to. As there would be significant excavation of the site a condition requiring details of surface water run off is proposed to ensure that the works sufficiently incorporate this as part of the development on grounds of sustainability and to ensure there would not be an impact on neighbours properties.

8.0 Conclusion

- 8.1 The excavation of the basement to the side of the main house under the existing garden is an unusual proposal however the proposal would not have an impact on the property or the amenities of neighbouring residents.
- 8.2 This application has been considered in the light of policies set out in the development plan and other material considerations including policies in the Core Strategy.
- 8.3 On balance, Officers consider that the formation of a basement under the garden is therefore considered acceptable.

9.0 Summary of Reasons for Grant of Planning Permission

- 9.1 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers.

9.2 The proposal is thereby in accordance with Policies URB 6 Alterations and Extensions and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004) and Core Strategy Policy 8 Sustainable design and construction and energy efficiency; Core Strategy Policy 15 High quality design for Lewisham and Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment in the adopted Core Strategy (June 2011).

9.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions

- (1) Details of means of drainage and surface water run off shall be submitted to and approved in writing by the local planning authority before the start of any demolition, building or excavation takes place. The works shall be carried out in accordance with the approved details.
- (2) Details of method of excavation including details of how neighbouring gardens and structures within 5metres of the excavation would be supported shall be submitted to and approved in writing by the local planning authority before the start of any demolition, building or excavation takes place. The works shall be carried out in accordance with the approved details.
- (3) The landscaping indicated in approved Drawing Numbers: P1 Rev B; P5 Rev B and P7 Rev A shall be carried out in complete accordance with these drawings prior to the occupation of the basement.

Reasons

- (1) To ensure that the suitable, sustainable means of drainage are incorporated into the scheme.
- (2) To ensure that suitable mechanisms are put are incorporated into the scheme during excavation to minimise disruption to neighbouring properties.
- (3) To ensure an acceptable visual appearance is achieved.

Appendix A – Local Meeting Notes

Minutes of Local Meeting 14th May 2012 19:00 – 20:00

Site: 2 Radlet Avenue, SE23

Application no: DC/11/79054

Attendees:

1. Cllr Alex Feakes – Chair - CAF
2. Tabitha Lythe – Case Officer - TL
3. James Taylor – Applicant - JT
4. Mike Abrahams – Forest Hill Society 27 Grassmount - MA
5. Annabel Maclaren – Sydenham Society - AM
6. Roy MacDonald – Sydenham Society 38 Thorpewood Avenue - RM
7. Miss Redenham – Resident 50 Thorpewood Avenue - MR
8. Steve Grindlay – Resident 48 Thorpewood Avenue - SG
9. Mr Harvey – Resident 46 Thorpewood Avenue - MH
10. Mrs Harvey – Resident 46 Thorpewood Avenue - MSH
11. Simon Brown – Resident 40 Thorpewood Avenue – SB

Apologies: Mrs Grindlay – 48 Thorpewood Avenue.

CAF opens meeting.

JT: Lived there for 10 years just extended upstairs so now have four bedrooms and would like more reception space which is why we want to do the basement.

CAF: How much space are you adding?

JT:

CAF: What is the building process?

JT: It will be all dug out then underpinning, concrete it over with a window at the front. There would be no overlooking.

RM: The drawing I saw didn't appear to meet building regulations can you explain this?

JT: I have checked this out with a building surveyor and the form of escape is out of the front door as it's only one room.

RM: Are you sure it's one room?

JT: Yes.

TL: I think there may be some confusion because the drawings initial submitted had internal walls that left a gap big enough for a door. These have since been revised to remove the internal wall as apparently this was on the plans by mistake.

CAF: What would happen if later on you put a wall in?

TL: I'm not sure as that is a Building Regulations matter.

CAF: Perhaps you could find out.

SG: Large drawings. The edge of the existing borders on garden fence? What if my garden fence falls over who's liable?

JT: I'd be liable. About 1ft away from boundary of Mr Grindlay's. I don't anticipate any issues.

RM: A party wall fence agreement is required.

JT: I will get one sorted.

MR: He's not lived there for 10 years like he said he has. He's miles away from the boundary.

MA: Daylight concerned as main family reception area. Daylight assessment and suitability of accommodation.

TL: No rules as it's existing.

CAF: What would you say is enough light?

MA: There's a window in the wall. Why isn't the basement under the house?

JT: Simply it's much cheaper to build to build under the garden rather than under the house.

MH: Noise and disruption during the works is a concern. We are concerned that it is one half of a semi-detached house and neighbours property may not be able to cope.

JT: Do it with digger metre by metre going to have wet wall system. Works would last about one month for an excavation.

MH: What would I see if I looked over your fence?

JT: Concrete.

MH: So you are losing garden?

JT: May also turf it but I'm not sure.

SG: So you may later build on it?

JT: Maybe. I haven't decided.

MH:

JT: I will use the Council Building Control.

RM: What are you doing?

JT: May do a bit of piling.

MR: There is a high water table in this area.

JT: I'm going to have a water pump.

CAF: How does the water pump work?

JT: Water triggers the pump and water will go straight out into the drain.

MA: There are environmental standards to consider. The pump will be pumping out water; the light lighting the basement; concreting over the garden particularly run-off water.

TL: Concreting it over is a concern. Building Control deal with building regulations issues.

CAF: Are you taking soil away?

JT: Yes I've got a company who will take it away.

MR: What about newts? There are newts in the area.

CAF: That is something that we should get checked out.

AM: Will the proposal have to intrude on neighbours property to encroach?

JT: No.

AM: Has he objected?

JT: He hasn't.

SG: Would you be building on top of the basement in the future?

JT: Yes possibly. I don't want to tie myself one way or the other as I'm not sure exactly what my future plans are.

MA: Would you be building the two-storey extension that you had planning permission for and would you be able to do the basement as well?

JT: Possibly as I have commenced the works so the planning permission remains but I'm not sure. I would be building the basement so that the extension could be built on top of it.

TL: I am not sure whether works were commenced in time or not for the two-storey side extension. I need to investigate and report back. The previous approval for the basement extension has lapsed though as this was investigated by Steve Isaacson the Head of Enforcement.

CAF: We need clarity about whether the two-storey side extension permission has lapsed or not.

CAF: Minutes to be agreed before being published.

Follow-up comments

Investigations carried out show that the planning permission ref: DC/07/64795 for a two-storey side extension has lapsed as works had not commenced on site. Therefore those who have raised concerns that the two-storey side extension could be built in the future should be reassured by this. If a two-storey side extension were to be built, under current permitted development regulations, planning permission would be required.