

Committee	PLANNING COMMITTEE C	
Report Title	14A GABRIEL STREET, SE23 1DT	
Ward	Crofton Park	
Contributors	Malachy McGovern	
Class	PART 1	20 December 2012

<u>Reg. No.</u>	DC/12/81295
<u>Application dated</u>	17.08.2012
<u>Applicant</u>	Mr & Mrs Fraher of Fraher Architects
<u>Proposal</u>	The construction of a single storey building with green roof in the rear garden of the ground floor flat
<u>Applicant's Plan No.</u>	1212PL001-007 (Revs P02), 1212PL008 & 009 (Revs P01) and Design and Access Statement
<u>Background Papers</u>	(1) LE/35/14/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan (July 2012)
<u>Designation</u>	Not in a Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The site comprises a two-storey end of terrace Victorian building sited on the corner of Wyleu Street and Gabriel Street. The property has been subdivided into two flats. This application relates to the ground floor two bedroom flat which has use of the rear garden.
- 1.2 Due to the site's corner location the rear garden can be accessed directly from Wyleu Street.
- 1.3 The site lies in an entirely residential area comprising terraced dwellings of similar style and design.
- 1.4 The property is not located within a Conservation Area and is not listed.

2.0 Planning History

- 2.1 DC/11/77352 - Construction of a single storey extension to the side of ground floor flat 14a Gabriel Street fronting on to Wyleu Street London SE23 Granted on 2 August 2011.
- 2.2 DC11/78719 & DC/11/79407 approval of materials details relating to the above granted on 19 January and 19 April 2012 respectively.

3.0 Current Planning Applications

The Proposal

- 3.1 This application seeks consent for the construction of a single storey building with a green roof in the rear garden of the ground floor flat at 14a Gabriel Street SE23 to provide a garden office.
- 3.2 The outbuilding would be positioned at the bottom of the garden of the property (northern end of the site) and would be built right up to the boundary with no. 30 Wyleu Road.
- 3.3 The building would be of a contemporary design and would have its own access from Wyleu Road.

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 A site notice was displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents and Organisations

- 4.3 7 Objections from local residents as well as an objection from the Honor Oak Residents Association were initially received from occupiers of neighbouring properties. However, these objections related to the previous application for an extension to the property. The objectors were given a further opportunity to make representations regarding the proposed garden building and were advised that the previously approved extension does not form part of the current application. 4 objections were then received regarding the proposed garden building. Two from the freeholder and leaseholder of 14b Gabriel Street and two from the residents of 2 and 6 Gabriel Street respectively.
- 4.4 The objections were made on the following grounds:
 - 1) Overdevelopment and loss of garden space – Four neighbours have raised objections on the grounds that the proposed garden building if constructed, would leave little garden space left and would therefore represent overdevelopment of the site.
 - 2) Out of character with surrounding Edwardian and Victorian Architecture - Three neighbours have raised concerns that the proposed building would out of character with the surrounding townscape.
 - 3) Loss of garden space and potential flooding– Two neighbours have raised concerns about the potential flood risk arising from the introduction of further buildings and loss of garden space.
 - 4) Possible change of use to a commercial use – Two neighbours have raised concerns that the proposed building would have a separate street access and as such could be used for commercial purposes in future.

(Letters are available to Members)

4.5 Written Responses received from Statutory Agencies

No responses

5.0 Policy Context

Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

5.2 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.

5.3 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.

5.4 National Planning Policy Framework (NPPF)

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.

5.5 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.

5.6 Ministerial Statement: Planning for Growth (23 March 2011)

The statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

5.7 Other National Guidance

The other relevant national guidance is:

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

5.8 Relevant UDP policies include:

URB 3 'Urban Design'
URB 6 'Alterations and Extensions'
HSG 4 'Residential Amenity'
HSG 12 'Residential Extensions'

5.9 Relevant Core Strategy policies include

Policy 15 'High Quality Design for Lewisham'
Policy 8 'Sustainable Design and Construction and Energy Efficiency'

5.10 Residential Development Standards SPD (August 2006)

In August 2006, the Council adopted the Residential Standards Supplementary Planning Document. 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, back land development, 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.

5.11 London Plan Housing SPG (November 2012)

5.12 The Mayors Housing Supplementary Planning Guidance (SPG) has now been published. This SPG replaces the 2005 SPG, the 2010 Interim Housing SPG and the draft SPG Affordable Housing note.

5.13 The SPG provides guidance on how to implement the housing policies in the 2011 London Plan. It is informed by the Government's NPPF and by its Housing Strategy for England.

5.14 As SPG, the document does not set new policy. It contains guidance supplementary to London Plan policies. While it does not have the same formal development plan status as these policies, it has been formally adopted by the Mayor as supplementary guidance under his powers under the Greater London Authority Act 1999 (as amended). It will be a material consideration in drawing up development plan documents and in making planning decisions.

5.15 The SPG is divided into seven parts, of which part 2 is of particular importance as it deals with housing quality.

5.16 London Plan 2011

Policy 7.4 'Local Character'
Policy 7.6 'Architecture'

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Impact on Adjoining Properties
- d) Sustainability

Principle of Development

6.2 The application proposes to construct a single storey building in the rear garden of the property. The building would provide ancillary office space for the applicant who would work from home. The creation of additional space would contribute to a more sustainable form of living for the applicant and as such is considered acceptable in principle subject to other relevant planning policies.

Design

- 6.3 The proposed studio building would span the width of the rear garden and would be comprised of two elements. The main element would have a sloping angular facade which would rise to a maximum height of 4.6 metres and would be built right up to the flank wall of the neighbouring property no. 30 Wyleu Road. The second, smaller element would link the main element to the access from Wyleu Road and would be approximately 2.5 metres high. The second element would be no higher than the existing boundary wall fronting Wyleu Road and as such would be obscured from public view.
- 6.4 The proposal would be appreciably higher than the existing ground floor rear extension, it would however remain subordinate to the principal building and also the neighbouring principal dwelling no 30 Wyleu Road. The building would slope at an angle away from the rear extension, tapering to a point and as such would not appear overbearing or overly dominant within the surrounding townscape. The sloping design also ensures that any loss of daylight to the rear extension is minimised.
- 6.5 The highly contemporary design would deliberately contrast with the surrounding Victorian buildings. It is considered that the development would integrate comfortably with the existing rear extension by continuing the green 'living' roof form. The living roof also incorporates rainwater harvesting apparatus.
- 6.6 The Lewisham SPD on Residential Standards states that development should reflect and enhance the appearance of the original building whatever its character or style. It is considered that the proposed garden building would be of a similar contemporary design as the existing extension and as such would complement the existing development.
- 6.7 The proposed studio building could be regarded as being 'exemplary' by reason of its high quality contemporary form and sustainability credentials. Paragraph 48 of the NPPF states that planning policies should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. The NPPF states at paragraph 63 that in determining applications, great weight should be given to outstanding or innovative designs which help raise the

standard of design more generally in the area. The proposal is considered to be in line with these design objectives and is therefore acceptable in design terms.

- 6.8 The building would incorporate two triangular-shaped large roof lights and a secondary window on the elevation facing the rear of the main dwelling. The side elevation facing Wyleu Road would be most visible from public views and would be partially glazed. Whilst the Council's Design Officer's are supportive of the design and form, they have advised that the external materials would need to be carefully controlled by condition in order to ensure that a high level of design quality is achieved.

Impact on Adjoining Properties

- 6.9 The main element of the proposed garden building would be between 3 metres and 4.5 metres deep and would be approximately 6 metres wide and approximately 4.6 metres high. The submitted drawings show that the internal floor level would be sunk approximately 50cm below the garden/street level thus providing additional floor to ceiling height without any physical impact. The secondary smaller element would be between 2 and 2.7 metres deep, 3.5 metres wide and approximately 2.5 metres high.
- 6.10 The combined floor area of the two elements forming the garden studio would be approximately 30 sqm leaving a remainder of 34 sqm of amenity space. It is considered that the loss of garden space would be counterbalanced by the creation of the large green 'living' roof which would support biodiversity and would contribute to sustainability initiatives. The green roof would also absorb and collect rainwater thereby counterbalancing any 'floodrisk' due to loss of permeable garden space. The remaining garden area would be modest however a width of 8.5 metres would be retained. The total remaining amenity space would be approximately 34 sqm which is considered acceptable for a two bedroom flat.
- 6.11 The proposed building would not introduce any new windows or openings which would have views of neighbouring properties and as such it is not considered that any loss privacy or overlooking would result. The proposed use of the building as a work from home studio is supported by the National Policy and the London Plan 2011 which seeks to allow flexibility in design and supports developments which reduce the need to travel.
- 6.12 It is considered that the proposed garden building would provide an improved living and working from home accommodation for the applicant's family and would represent a more sustainable use of the property. As such the proposal is acceptable in amenity terms.
- 6.13 Whilst some concerns have been raised about the future change of use of the building to a commercial business, the Council cannot refuse an application based on speculative concerns. The application seeks planning permission for the operational development which will be used ancillary to the residential accommodation. No material change of use is therefore proposed. The Committee members may consider imposing an additional condition or informative requiring the building to be used ancillary to the flat and for no other use.

7.0 Local Finance Considerations

- 7.1 CIL is not payable on this application.

8.0 Conclusion

- 8.1 The proposed garden studio building would be appropriate in its context by reason of its innovative and contemporary design, and would contribute to sustainability initiatives in line with local and national policy. The extension would not cause any material harm to neighbouring amenity in terms of light loss, privacy or physical presence.
- 8.2 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.3 On balance, Officers consider that the scheme is therefore considered acceptable.

9.0 Summary of Reasons for Grant of Planning Permission

It is considered that the proposed garden studio building would be of an innovative and contemporary design and appearance and would contribute to sustainability initiatives in line with local and national policy. The extension would not result in unacceptable harm to neighbouring amenity in terms of light loss, privacy or physical presence. The proposal is thereby in accordance with Policies URB 3 Urban Design, HSG 4 'Residential Amenity' and HSG 12 'Residential Extensions' of the adopted Unitary Development Plan (July 2004), Policy 8 'Sustainable Design and Construction and Energy Efficiency' and Policy 15 'High Quality Design for Lewisham' of the Lewisham Core Strategy (June 2011), and policies 7.4 'Local Character' and 7.6 'Architecture' of the London Plan (July 2011).

10.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

Conditions

- 1) No development shall commence on site until details of all windows and all other external materials (including their colour and texture) to be used on the building(s) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, unless the local planning authority agrees in writing to any variation.
- 2) Details of the living roof shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site. The living roof shall be:
 - a) biodiversity based with extensive substrate base (depth shall vary between 80-150mm but shall average at least 133mm);
 - b) laid out in accordance with plan **1212PL009 Revision P01** hereby approved; and
 - c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works.

The living roofs 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.

The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the local planning authority.

- d) Evidence that the roof has been installed in accordance with sub-points a) to c) above shall be submitted to and approved in writing by the local planning authority prior to use of the extension hereby approved.

Reasons

- 1) To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- 2) To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity and contributes to sustainability principles in accordance with Policies 5.1 Climate change mitigation, 5.3 Sustainable design and construction, 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable drainage and 7.19 Biodiversity and access to nature of the London Plan (July 2011), Objective 5: Climate change, Objective 6: Flood risk reduction and water management, Policy 7: Climate change and adapting to the effects, Policy 8: Sustainable design and construction and energy efficiency of the Core Strategy (June 2011) and Planning Policy Statement 9 Biodiversity and Geological Conservation.

Informative:

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.