

Committee	PLANNING COMMITTEE C	
Report Title	70 ARNGASK ROAD, SE6 1XX	
Ward	Catford South	
Contributors	Geoff Whittington	
Class	PART 1	20 December 2012

Reg. Nos. DC/12/80838

Application dated 12 July 2012 and completed 6 December 2012

Applicant Mr M Vijayapalan

Proposal The renewal of planning permission (DC/09/71123) dated 17 July 2009 for the excavation of the rear garden at 70 Arngask Road SE6 for the alteration and conversion of the basement, together with the construction of a rear extension at basement and ground floor level and the formation of a lightwell within the front garden, to provide additional living accommodation.

Applicant's Plan Nos. Site Location Plan, AD/12/ARN70/PLRENO2 1OF4, 2OF4, 3OF4 and 4OF4, 70AGR/RS/001, and Proposed Front Garden Detail.

Background Papers

- (1) Case File LE/774/70/TP
- (2) Lewisham Development Framework: Residential Standards SPD (August 2006)
- (3) Lewisham Development Framework: Core Strategy (2011)
- (4) Unitary Development Plan (July 2004)
- (5) The London Plan (February 2011)
- (6) NPPF

Zoning Adopted UDP - Existing Use  
PTAL 2

## **1.0 Property/Site Description**

- 1.1 The application property is a 2-storey mid-terrace dwelling located on the south side of Arngask Road. The surrounding area is predominantly residential, characterised by three bedroom terraced properties.
- 1.2 There is a gradual fall in ground level to the west along Arngask Road and a fall in ground level from the front of the application dwelling to the rear. The application property withholds a 5.5 metre deep soft landscaped front garden and a 17 metre long garden at the rear.
- 1.3 The site is not located within a conservation area, nor are there any listed buildings in the vicinity.

## **2.0 Planning History**

- 2.1 On 8 November 2002, planning permission was refused for the alteration and conversion of 70 Arngask Road to provide 3, one bedroom self-contained flats on the following grounds:

With the original habitable floor space of the dwelling below 130 square metres, the conversion of the property into separate units is contrary to Policy HSG 9: Dwellings Suitable for Conversion within the adopted Unitary Development Plan and HSG 7: Conversion of Residential Property within the Revised Deposit Draft Unitary Development Plan (August 2001), which state that a property of this size should be retained in single family occupation.

- 2.2 An appeal made against the decision to refuse planning permission was dismissed by the Planning Inspectorate in September 2003.
- 2.3 On 9 March 2004, permission was granted at the Lewisham West Planning Committee for the excavation of the rear garden at 70 Arngask Road in connection with the alteration and conversion of the basement, together with the construction of a rear extension at basement and ground floor level, and the formation of a lightwell within the front garden to provide additional living accommodation.
- 2.4 In 2009, Planning Committee (C) granted permission for the excavation of the rear garden at 70 Arngask Road for the alteration and conversion of the basement, together with the construction of a rear extension at basement and ground floor level and the formation of a lightwell within the front garden, to provide additional living accommodation.

## **3.0 Current Planning Application**

- 3.1 The current application seeks to renew the planning permission dated 17 July 2009, proposing the excavation of the front garden to provide a 1.4 metre deep lightwell, with safety grilles above.
- 3.2 At the rear, further excavation works would be undertaken to allow for the construction of a 1.7 metre deep extension at basement and ground floor levels. Access to the garden would be from the converted basement, which would accommodate habitable rooms.
- 3.3 The original renewal submission deviated from the 2009 consent by proposing an external basement door to the front, despite Members including a planning condition that stated;

Notwithstanding the drawings hereby approved the external front entrance door shown, facilitated by the light well excavation, shall be deleted and the basement shall be accessed only by way of internal arrangement from the main dwelling and not independent of such.

- 3.4 The applicant has since amended the plan to remove the basement door.
- 3.5 In light of neighbour objections, the applicant proposes safety grilles over the front lightwell rather than railings, whilst the lightwell has been reduced in depth to the side nearest no.68.

## **4.0 Consultations and Replies**

### Neighbours & Local Amenity Societies etc

- 4.1 Consultation letters were sent to the occupants of 10 neighbouring properties. A notice was displayed on site and Ward Councillors were consulted.
- 4.2 Five letters were received from the occupiers of 65, 66, 67, 68 & 72 Arngask Road, objecting to the proposal on the following grounds;
- (1) The proposal is designed to allow for a future conversion of the basement accommodation into a self-contained flat;
  - (2) The provision of a front lightwell would reduce the depth of the front driveway, thus creating on-street parking difficulties in the area;
  - (3) The proposed works would spoil the character of the Corbett Estate;
  - (4) More occupiers will result in additional on-street car-parking;
  - (5) Outlook concerns;
  - (6) Noise disturbance from the basement;
  - (7) The proposed front lightwell will change the appearance of the terrace, setting an unwelcome precedence.

(Letters are available to Members)

### Environmental Health

- 4.3 Unobjectionable in principle

### Highways and Transportation

- 4.4 No objections raised to the proposal.

## **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.

## National Planning Policy Framework (NPPF)

- 5.4 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.

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

- 5.6 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.

## Other National Guidance

### London Plan

- 5.7 A new London Plan document was adopted on 22 July 2011. The policies considered relevant to this application include:

Policies 3.4 Optimising housing potential; 3.8 Housing choice; 3.16 Protection and enhancement of social infrastructure; 5.3 Sustainable design and construction; 5.13 Sustainable drainage; 6.13 Parking; 7.4 Local character & 7.6 Architecture in the London Plan (June 2011).

## Local Development Framework – Core Strategy

- 5.8 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:

Objective 10: Protect and enhance Lewisham's character, Policy 1: Housing provision, mix and affordability; Policy 8: Sustainable design and construction and energy efficiency; Policy 10: Managing and reducing the risk of flooding & Policy 15: High quality design for Lewisham.

## Unitary Development Plan

5.9 The relevant saved policies of the UDP (adopted July 2004) are set out below.

URB 3 Urban Design; URB 12 Landscape and Development; HSG 4 Residential Amenity, HSG 7 Gardens and HSG 12 Extensions.

5.10 Referring to the Council's UDP Proposals Map adopted with the UDP in July 2004, the application site is not designated land.

## **6.0 Planning Considerations**

6.1 The main issues to consider in relation to this case includes the scale and appearance of the proposed extension and the level of impact the proposed works would have upon the amenities of neighbouring residential occupiers and the character of the streetscene generally.

6.2 The three bedroom application property comprises two levels of habitable living space. The existing basement is currently used for storage purposes, and does not benefit from any natural light or ventilation. The proposal involves converting the basement area into use as habitable living space, with excavation work within the front and rear gardens to provide required natural light and ventilation.

6.3 The proposed works would include the formation of a lightwell within the front garden of the property, extending 1.4 metres from the front bay window and dropping to a depth of 2 metres. Amended plans received on 3 October 2012 show the lightwell would follow the footprint of the front bay, and be covered by a grille rather than surrounded by railings, as requested by an objector.

6.4 It is considered that the visual impact of the lightwell would be minimal and would not harm the character of the host building. No external steps would be provided to descend down to the habitable room, so there would be no loss of privacy to the adjoining occupiers.

6.5 The rear garden of the property has an approximate 1:5 drop in ground level towards the rear of the site. The proposal would level the rear garden, involving excavation works to a depth of 2.2 metres adjacent to the rear elevation of the property. A 7 metre long retaining wall would be constructed, with 1.1 metre high boundary fencing on either side. The height of the proposed boundary fence would ensure that the excavated basement area would not be visible from neighbouring residential gardens.

6.6 The application also proposes the construction of a basement and ground floor extension to the rear of the property to provide additional living space. The proposed extension would extend 1.6 metres into the rear garden, whilst spanning the full width of the property. The dwelling at no.68 has an existing lean-to structure at the rear nearest the boundary shared with the application property.

6.7 It is considered therefore that due to the shallow depth of the extension, it is unlikely to result in any significant loss of light, or outlook to neighbouring residential occupiers.

6.8 Some neighbours have expressed concern that the enlarging of the property would allow the applicant to convert the dwelling into self-contained flats. Planning permission was refused on 8 November 2002 for the alteration and conversion of the application property to provide 3, one bedroom self-contained flats on the basis that the floor space of the property was below 130 square metres and was therefore

unsuitable for conversion. An appeal made against this decision was subsequently dismissed on 9 September 2003.

- 6.9 The applicant has confirmed he has no intention of converting the property into flatted accommodation and is aware that should such an application be submitted, it is likely to again be refused permission as the dwelling in its original state, excluding the new extension and basement, would still fail to reach the minimum 130 square metre tolerance.
- 6.10 On the advice of the Council's Highways officer, the proposal does not include the provision of an off-street parking space. Whilst parking has occurred to the frontage in the past, the kerb has not been lowered to allow access. The location of a car parking space would block access to the property and would result in the loss of an on-street parking space. The current proposal is for additional living space in connection with the existing residential accommodation and so would not increase car parking demand in the surrounding area.
- 6.11 Neighbours are concerned the extent of the excavation works would result in subsidence of the land.
- 6.12 Building Control have advised that the proposed excavation works are acceptable in principle, however officers are mindful of the sloping nature of the site and the potential for subsidence. The applicant would be expected to demonstrate how the works would be suitably achieved without compromising the structural integrity of the host building and neighbouring dwellings. Such details should be submitted to and assessed either by the Council's Building Control officers or equivalent Inspector prior to the commencement of works.

## **7.0 Consultations**

- 7.1 With regard to procedural matters, neighbour notifications have been carried out in accordance with the Council's usual procedure. Officers are satisfied that all statutory Council procedures have been followed and all neighbour concerns have been addressed.

## **8.0 Conclusion**

- 8.1 It is considered that the proposed works, due to their nature and location, would result in minimal impact upon the visual amenities of neighbouring residential occupiers and would provide an improved standard of residential accommodation. It is therefore recommended planning permission be granted.

## **9.0 Summary of Reasons for Grant of Planning Permission**

- 9.1 The decision to grant planning permission has been taken having regard to the policies and proposals in the London Plan (July 2011), the adopted Core Strategy and saved policies in the Unitary Development Plan (July 2004), as set out below and all relevant material considerations, including comments received in response to third party consultation.
- 9.2 The local planning authority has considered the particular circumstances of the application against relevant planning policy set out in the London Plan (July 2011), the adopted Core Strategy (June 2011) and saved policies in the Council's Unitary Development Plan (July 2004).

9.3 On balance, it is considered that the proposal will not result in any material harm being in accordance with Policies 3.4 Optimising housing potential; 3.16 Protection and enhancement of social infrastructure; 7.4 Local character & 7.6 Architecture in the London Plan (July 2011), Objective 10 Protect and enhance Lewisham's character, Policy 10 Managing and reducing the risk of flooding and Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011), and saved policies URB 3 Urban Design, HSG 4 Residential Amenity, HSG 12 Extensions and URB 12 Landscape and Development in the Council's Unitary Development Plan (July 2004).

**10.0 RECOMMENDATION GRANT PERMISSION** subject to the following conditions

- (1) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing, unless the local planning authority agrees in writing to any variation.
- (2) The basement accommodation hereby approved shall be used only in accordance with the property's lawful use as a single family dwellinghouse, and the basement shall not be used as a separate and independent self-contained residential unit/s of occupation.

**Reasons**

- (1) To ensure that the proposed development is in keeping with the existing building and does not prejudice the appearance of the locality and to comply with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham (2011).
- (2) To accord with the objectives of Policy HSG 9 Conversion of Residential Property in the adopted Unitary Development Plan (July 2004).

**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.