

Committee	PLANNING COMMITTEE C	
Report Title	10 CHELSFIELD GARDENS SE26 4DJ	
Ward	Sydenham	
Contributors	Katie Lazzam	
Class	PART 1	31 January 2013

<u>Reg. No.</u>	DC/12/81172
<u>Application dated</u>	20.8.2012, revised 17.9.12
<u>Applicant</u>	Mr F Nwaka
<u>Proposal</u>	The partial demolition and erection of a single-storey extension to the rear of the existing garage at 10 Chelsfield Gardens SE26.
<u>Applicant's Plan Nos.</u>	Site Location Plan, Block Plan, Existing and Proposed Floor Plans and Elevation Drawings.
<u>Background Papers</u>	(1) Case File LE/499/B/TP (2) National Planning Policy Framework (NPPF) (3) The London Plan (July 2011) (4) Local Development Framework Documents (5) Adopted Unitary Development Plan (July 2004)
<u>Designation</u>	Adopted UDP- Existing Use

## **1.0 Property/Site Description**

- 1.1 The application relates to a property located on the southern side of Chelsfield Gardens, adjoining the right angle bend in the road. The property is an end of terrace two-storey dwelling with a gabled roof. The dwelling is constructed of white render for the exterior walls and tiling for the roof. It is located on a rectangular shaped corner plot, at the point where the road bends. Therefore the flank elevation of the site faces the front elevation of several other properties on the opposite side of the street.
- 1.2 The vicinity is characteristic of a residential area, with the street scene comprising a fairly regular pattern of terraced properties.
- 1.3 Chelsfield Gardens is not a classified road, nor within a Conservation Area, and there are no listed buildings within the immediate vicinity.

## **2.0 Planning History**

- 2.1 In December 2001, planning permission DC/01/49758 was granted for the retention of a single storey extension to the side of 10 Chelsfield Gardens.
- 2.2 An enforcement investigation was set up in August 2011 regarding the erection of an unauthorised single storey extension to the rear of the existing garage. In terms

of size, the structure is 5.4 metres deep, 2.7 metres wide, and 2.7 metres high, with a flat roof. The structure has been constructed using a variety of different materials and is set in approximately 700mm from the side boundary.

2.3 As the structure exceeded permitted development limits and required planning permission, the owner of the property was invited to submit a planning application for the unauthorised works.

2.4 In August 2012, planning permission DC/12/80548 was refused for the retention of a single storey extension to the side / rear of 10 Chelsfield Gardens, for the following reason:-

*"The extension by reason of its poor design, size and materials is considered to be a visually dominant and obtrusive addition that detracts from the character of the original dwelling and the streetscene, contrary to saved policies URB 3 Urban Design; URB 6 Extensions and Alterations; HSG 4 Residential Amenity and HSG 12 Residential Extensions of the Council's adopted Unitary Development Plan (July 2004) and Objective 10 Protect and Enhance Lewisham's Character, Spatial Policy 5 Areas of Stability and Managed Change and Policy 15 High Quality Design for Lewisham of the Core Strategy (June 2011)."*

2.5 No appeal was lodged against this refusal.

### **3.0 Current Planning Application**

3.1 Following the refusal of planning permission for the retention of the structure, this revised application has been submitted. Under this scheme, the depth of the structure would be reduced from 5.4 metres to 3.7 metres. The structure would still be 2.7 metres wide, with a flat roof that is 2.7 metres high, and would still be set in approximately 700mm from the side boundary.

3.2 The existing unauthorised structure has been constructed using a variety of different materials, although it is proposed that if permission were to be granted, the extension would be rendered and a new roof provided. The rear garage-style door would be replaced with a window.

3.3 To comply with Building Regulations, the structure may also need to be partly demolished and re-built and the description of development has been amended to reflect this.

### **4.0 Consultation and Replies**

4.1 Site notices were displayed and letters were sent to nearby residents. Local Ward Councillors were also consulted.

#### **Written Responses received from Local Residents and Organisations**

4.2 Letters of objection have been received from six local residents living in Nos. 3, 4, 5, 8, 12 and 14 Chelsfield Gardens, raising the following issues:-

- the extension is unsightly and visually obtrusive;
- concern that the extension is to be used for living accommodation;

- the structure still needs approval from Building Control as it currently could be a fire hazard;
- the design style is poor quality and constructed with poor and unsuitable materials.

(Letters are available to Members)

## **5.0 Policy Context**

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that when 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 Documents, 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.

### London Plan (July 2011)

5.6 The London Plan policies relevant to this application are:

Policy 7.4 Local character  
Policy 7.6 Architecture

Lewisham Core Strategy (June 2011)

5.7 The Core Strategy policies relevant to this application are:-

Objective 10: Protect and enhance Lewisham's character  
Policy 15 High Quality Design for Lewisham

Unitary Development Plan (July 2004)

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

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

Residential Standards Supplementary Planning Document (SPD) - August 2006

5.9 This document sets out guidance and standards relating to design, sustainable development, renewable energy, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, gardens and amenity space, landscaping, and materials.

**6.0 Planning Considerations**

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

- The design and appearance of the resultant building and its impact upon the character of the street scene/visual amenities of the area;
- The impact of the proposal on the amenities of neighbouring occupiers;
- Parking issues

Visual Impact

6.2 National and local planning policies place considerable emphasis on the importance of achieving high quality design that would complement existing development, established townscape and character. The Residential Standards SPD sets out guidance for all residential extensions. All extensions should be sensitively designed to retain the architectural integrity of the building.

6.3 UDP Policy URB 3 states that the Council will expect a high standard of design in extensions or alterations to existing buildings, whilst ensuring that schemes are compatible with, or complement the scale and character of, existing development and its setting. In assessing the urban design merits of a development, the Council will consider the preservation and creation of urban form which contributes to local distinctiveness such as building features and roofscape and the contribution of the development to energy and natural resource efficiency.

6.4 In terms of massing, it is considered that the proposed reduction in size of the extension would mean that it would constitute an acceptable rear projection on a semi-detached property, extending 3.7 metres beyond the rear elevation, and would constitute a significant improvement over the existing situation. This reduction in bulk would reduce the visual dominance of the structure and ensure that the

extended parts of the property would be more proportionate with the existing property. It is considered that there would be adequate remaining amenity land available to occupiers of the dwelling.

- 6.5 Whilst the structure is currently unsightly, the applicant has proposed adding a render finish with sections of white painted timber cladding and a new roof, including underlay and cap-sheet. It is considered that this would significantly improve the appearance of the building, making it far more sympathetic to the character of the host property and matching the existing side extension.
- 6.6 Although the extension with the proposed alterations would be visible from the road, above the boundary fence, it is considered that the extension would no longer have a significant negative impact upon the character and appearance of the streetscene in Chelsfield Gardens. This is because the reduction in depth and improved materials would ensure that the extension would not be an unsightly or obtrusive structure. It would also create a visual break in the built form along the eastern flank boundary.
- 6.7 The objections to design raised by third parties have been noted, however officers believe that the design of the proposed extension is acceptable for this locality. On balance, it is considered that the proposed extension would not have a harmful visual impact upon the property or the street scene so as to justify a refusal of this application.

#### Neighbouring Amenity

- 6.8 Policy HSG 4 seeks to protect residential amenity. When seeking permission for extensions / alterations to existing buildings, it must be demonstrated that significant harm will not arise in respect of overbearing impact, loss of outlook, overshadowing, loss of light, overlooking, loss or privacy or general noise and disturbance.
- 6.9 The application site is a corner end of terrace property. The extension is on the side of the property which bounds onto the road. Therefore it does not result in any loss of light or overbearing impact on adjoining properties, as there are none in the immediate vicinity.
- 6.10 There is one small window proposed within the flank elevation facing the road. This has not been created yet, and would serve a toilet. All of the other windows face into the rear garden of the subject site and so the openings only afford views of this area. Therefore it is not considered that the structure results in any loss of privacy or overlooking.
- 6.11 The existing unsightly extension provides the neighbouring residents with an unpleasant outlook. This is particularly relevant for the properties that are located directly opposite the development on the eastern side of Chelsfield Gardens. However the alterations proposed under this application would result in an acceptable visual appearance of the dwelling.
- 6.12 The applicant is aware of the Council's concerns over the appearance of the unauthorised extension, and is keen to resolve the issue. He has agreed that if planning permission is granted, he will implement and complete the revised scheme

within a period of 6 months. This is regarded as a satisfactory timescale and a suitably worded condition is recommended.

### Parking

- 6.13 Parking provision on the site would not be altered as a result of the development.

## **7.0 Conclusion**

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.2 On balance, officers consider that the reduced-depth extension is satisfactory and is of appropriate design. It will not harm the character and appearance of the host building or the surrounding area, provided improvements are made to the external materials. The proposal would not then have a significant adverse impact upon residential amenity and the scheme is therefore considered acceptable.
- 7.3 With regard to the question of enforcement action against the existing unauthorised structure, the applicant has agreed that he will carry out the works to reduce the depth of the extension and improve its external appearance to match the remainder of the side extension within a six-month period. In view of this agreement, it is considered appropriate to impose an informative advising the applicant that the works should be completed within six months. If the applicant fails to comply with this condition, a further report would be presented to Committee regarding enforcement action.

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

- 8.1 It is considered that the proposal satisfies the Council's land use and environmental criteria and is acceptable in principle, being in accordance with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004) and Objective 10: Protect and enhance Lewisham's character and Policy 15 High Quality Design for Lewisham within the Core Strategy (June 2011).
- 8.2 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. The proposal is thereby in accordance with Policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 12 Residential Extensions in the adopted Unitary Development Plan (July 2004) and Objective 10: Protect and enhance Lewisham's character and Policy 15 High Quality Design for Lewisham within the Adopted Core Strategy (June 2011).

## **9.0 RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

No new external finishes, including works of making good, shall be carried out other than in materials to match the existing single-storey side extension.

## Reason

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 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).

## Informative

- (1) 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 amendments to the application including the reduction in the depth of the extension.
- (2) The applicant is advised that all works included in this planning permission, including the reduction in depth of the extension from 5.4 metres to 3.7 metres and the rendering of the external blockwork walls, plus with sections of white painted timber cladding, to match the existing single-storey side extension should be completed within six months of the date of this permission, otherwise the Council will reconsider enforcement action regarding the construction of the unauthorised rear extension.