

Committee	PLANNING COMMITTEE C	
Report Title	15 Westwood Park, SE23	
Ward	Forest Hill	
Contributors	Tabitha Lythe	
Class	PART 1	Date: 29 August 2013

<u>Reg. Nos.</u>	(A) DC/12/82236 & DC/12/82236A
<u>Application dated</u>	24.12.12 [as revised on 07.03.13]
<u>Applicant</u>	Robinson Escott Planning on behalf of Grand Central Properties Ltd
<u>Proposal</u>	An application submitted under Section 73 of the Town & Country Planning Act for a minor material amendment to allow a variation of Condition (2) of the planning approval dated 6 December 2010 (DC/10/74811) for the construction of 2 two storey, two bedroom houses and replacement garage on land to the side of 15 Westwood Park SE23, in order to allow for the insertion of two velux windows into the front roof elevation and three roof lights in the top flat roof in connection with the creation of an additional room in each house.
<u>Applicant's Plan Nos.</u>	198-12-01; 198-12-02 Rev B; 198-12-05 Rev B; 198-12-06 Rev B; 198-12-07; 198-12-08 Rev B; 19-12-20
<u>Background Papers</u>	(1) This is Background Papers List (2) Case File LE/56/15/TP (3) Adopted Unitary Development Plan (July 2004) (4) Local Development Framework Documents (5) The London Plan
<u>Designation</u>	[Core Strategy or Adopted UDP] - Existing Use

1.0 Property/Site Description

- 1.1 The application site is a rectangular shaped plot of land measuring 18.5m by 15m that fronts onto Westwood Park. The site is overgrown and is land which forms part of 15 Westwood Park, a detached part-single, part 2 storey building with roof extensions, which also has a separate garage to the side.
- 1.2 The application site lies on the south side of Westwood Park. A terrace of four, 1960s 2-storey dwelling-houses fronting Westwood Park lie to the east. To the west is no.15 Westwood Park itself, immediately to the south are 2 and 3 storey terraced dwellings located within Amroth Close and to the rear lies a two storey dwelling and associated garden space. Horniman Gardens and the Forest Hill Conservation Area are within 50 metres of the site.

- 1.3 Westwood Park is situated on a steep hill and the changes of levels between the adjacent properties are substantial.
- 1.4 The site is not near a listed building and although not within a Conservation Area, within 50 metres to the west and north lies the Forest Hill Conservation Area.

2.0 Planning History

- 2.1 There have been applications submitted for extensions to the detached property at 15 Westwood Park, which includes a single-storey rear extension and roof additions. In relation to the subject site which is land adjacent to the detached property at 15 Westwood Park, there have been previous applications
- 2.2 On 18 September 2008, planning permission was refused for the demolition of the existing house at 15 Westwood Park SE23 and adjoining land for the construction of 3, three-storey, three bedroom houses with integral garages and 6, three storey, two bedroom houses, together with the provision of bin stores & 6 car parking spaces for the following 5 reasons:
- 1) The proposed 3-storey dwellings, by reason of their height and bulk, would appear overbearing and discordant, failing to relate with the existing 2-storey dwellings that characterise Westwood Park, contrary to Policies URB 3 Urban Design, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (July 2004).
 - 2) The size and depth of the garden spaces to the rear of dwellings 1-9 would be wholly inadequate, contrary to Policies HSG 5 Layout and Design of New Residential Development and HSG 7 Gardens in the adopted Unitary Development Plan (July 2004).
 - 3) The proposed siting and 3-storey height of dwellings 7-9 would be unacceptable, positioned within close proximity of the existing property at 17 Westwood Park, resulting in a significant reduction in their outlook and an increased sense of enclosure, whilst reducing the level of privacy to the rear of no.19, contrary to Policies URB 3 Urban Design, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (July 2004).
 - 4) The restricted nature of the off-street parking area to the rear of dwellings 4-6, together with the layout of the parking bays, would inhibit vehicle manoeuvrability, whilst its location would be likely to cause disturbance to existing residents by way of vehicle movement and noise, contrary to Policies HSG 4 Residential Amenity and HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (July 2004).
 - 5) The loss of natural vegetation upon the site prior to the formal planning submission, including the felling of two established Oak trees, together with the lack of sufficient replacement planting within the scheme is considered unacceptable and to the detriment of the character of the area generally, contrary to Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the adopted Unitary Development Plan (July 2004).

- 2.3 In June 2009, planning permission was refused for the construction of 3 three-storey, two bedroom houses and replacement garage at 15 Westwood Park SE23, together with the provision of bin stores and associated landscaping due to the following 2 reasons:
- 1) The proposed 3-storey dwellings, by reason of their height, bulk and positioning, would appear overbearing and discordant, failing to relate to the street scene. As such, the development would be contrary to Policies URB 3 Urban Design and HSG 5 Layout and Design of New Residential Development in the adopted Unitary Development Plan (July 2004).
 - 2) The proposed development, by reason of its massing and bulk, would have a significant detrimental impact on the daylight and sunlight entry to 15 Westwood Park and would have an overbearing impact both on that property and on the property behind the application site, resulting in an unneighbourly form of development. As such, the development would be contrary to Policies HSG 4 Residential Amenity and HSG 5 Layout and Design of New Residential Development in the adopted Unitary Development Plan (July 2004).
- 2.4 The above decision was unsuccessfully appealed with the Inspector, in his decision letter, considering there to be 2 main issues
- The effect of the proposal upon the character and appearance of the surrounding area.
 - The impact of the development upon the amenities of nearby residents.
- 2.5 The Inspector commented, as follows:
- “I see no objection, in principle, to its development for residential purposes”.
- 2.6 He further went on to state:
- “It is also necessary to make full and effective use of sites such as this consistent with the character and appearance of its immediate surroundings”
- 2.7 The Inspector commented also that “the forward projection, coupled with the three-storey nature of the housing would render the proposal prominent in the street scene he concluded that the development would be out of keeping with and detrimental to the character and appearance of the surrounding area”
- 2.8 In November 2010 planning permission was granted for the construction of 2 two storey, two bedroom houses and replacement garage on land to the side of 15 Westwood Park SE23.
- 2.9 In May 2012 approval was granted for details submitted in compliance with Conditions (1) Facing Materials (4) External Works Layout of the planning permission dated 6 December 2010 (DC/10/748110) for the construction of 2, two storey, two bedroom houses and replacement garage on land to the side of 15 Westwood Park SE23.

- 2.10 In May 2013 approval was granted for details submitted in compliance with Condition (3) parking provision for cycles dated 6 December 2010 (DC/10/74811) for the construction of 2 two storey two bedroom houses and replacement garage on land to the side of 15 Westwood Park SE23.

3.0 Current Planning Applications

The Proposals

- 3.1 Planning permission was previously granted for the construction of 2 two storey, two bedroom houses and replacement garage on land to the side of 15 Westwood Park SE23
- 3.2 Condition 2 of the approved planning permission states: “Unless minor variations are otherwise approved in writing by the local planning authority, the development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed in the Schedule overleaf.” The reason for this condition is “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.”
- 3.3 The amendment to the previously approved scheme is to allow the insertion of two velux windows into the front roof elevation and three roof lights in the top flat roof in connection with the creation of an additional room within the roof space of each house. This is achieved by changing the list of approved drawings on which the permission is based.
- 3.4 A change was only initially sought for the front roof lights. However, following the initial consultation other changes were highlighted including the rooflights in the top flat roof and the use of the loft as a habitable room and have since been included in the application. A reconsultation has been carried out to include these additional changes.

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. Changes were made to the application and a reconsultation was carried out in March following the initial consultation in January.

Written Responses received from Local Residents and Organisations

- 4.3 7 objections were received from 2 Amroth Close; 15c, 15d, 17, 22a, 24, 28 Westwood Park
- A three-storey dwelling has twice been refused on this site and changes would make this a three-storey dwelling.

- Additional room would make these family sized dwellings without adequate garden space and internal family bathroom.
- Original permission had restrictions on roof space and roof lights have already been installed so there was no intention to adhere to original planning permission.
- Changes may be of indirect impact they show attitude of developer to local community.
- Neighbour had trees removed and concrete wall built in their garden without consultation from the developer.
- Houses marketed for sale as being arranged over three floors with bonus room in loft with ensuite and walk in wardrobe when this does not have consent.
- Changes proposed are not minor.

5.0 Policy Context

Introduction

- 5.1 Section 73 of the Town and Country Planning Act 1990 allows for an application to be made to vary or remove conditions when a previous planning permission was granted. On receiving an application, the Council can only consider the question of the conditions subject to which planning permission was granted.
- 5.2 On receipt of an application, the Council can grant permission to vary that condition which is being varied or remove it totally. The Council can also decide that the original condition should still apply by refusing permission.
- 5.3 The practical effect of a Section 73 application, is that a new planning permission is created with all conditions applying.
- 5.4 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts 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 NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 5.5 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. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that ‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

- 5.6 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, and 215 of the NPPF.

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.7 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.

- 5.8 The statement further sets out that local authorities should reconsider at developers request, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms.

Other National Guidance

- 5.9 The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)
Planning and Access for Disabled People: A Good Practice Guide (ODPM, March 2003)
Safer Places: The Planning System and Crime Prevention (ODPM, April 2004)
Code for Sustainable Homes Technical Guide (DCLG/BRE, November 2010)

Minor Material Amendments

- 5.10 Greater flexibility for planning permissions Guidance (2009). Amended consultation requirements for applications under s.73 of the Town and Country Planning Act 1990 were brought into force on 1 October 2009, via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261).

London Plan (July 2011)

- 5.11 The London Plan policies relevant to this application are:

Policy 3.5 Quality and design of housing developments
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 6.9 Cycling

Policy 6.12 Road network capacity
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.4 Local character
Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

5.12 The London Plan SPG's relevant to this application are:

Accessible London: Achieving an Inclusive Environment (2004)
Housing (2012)
Sustainable Design and Construction (2006)
Planning for Equality and Diversity in London (2007)
Shaping Neighbourhoods: Play and Informal Recreation (2012)

London Plan Best Practice Guidance

5.13 The London Plan Best Practice Guidance's relevant to this application are:

Development Plan Policies for Biodiversity (2005)
Control of dust and emissions from construction and demolition (2006)
Wheelchair Accessible Housing (2007)
London Housing Design Guide (Interim Edition, 2010)

Core Strategy

5.14 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
Spatial Policy 3 District Hubs
Core Strategy Policy 1 Housing provision, mix and affordability
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 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

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

URB 3 Urban Design
URB 12 Landscape and Development
URB 13 Trees
HSG 1 Prevention of Loss of Housing
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development
HSG 7 Gardens
HSG 8 Backland and In-fill Development

Residential Standards Supplementary Planning Document (August 2006)

- 5.16 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.

Emerging Plans

- 5.17 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 5.18 The following emerging plans are relevant to this application.

Development Management Plan

- 5.19 The Development Management Local Plan – Proposed Submission Version, is a material planning consideration and is growing in weight. Public consultation on the Proposed Submission Version begun on 16 August 2013 and runs for eight weeks ending on Friday 4 October. Therefore, in accordance with the NPPF, the weight decision makers should accord the Proposed Submission Version should reflect the advice in the NPPF paragraph 216.
- 5.20 The following policies are considered to be relevant to this application:
- | | |
|--------------|--|
| DM Policy 1 | Presumption in favour of sustainable development |
| DM Policy 2 | Preventing loss of existing housing |
| DM Policy 22 | Sustainable design and construction |
| DM Policy 25 | Landscaping and trees |
| DM Policy 29 | Car parking |
| DM Policy 30 | Urban design and local character |
| DM Policy 32 | Housing design, layout and space standards |
| DM Policy 33 | Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas |
| DM Policy 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 |

6.0 Planning Considerations

- 6.1 The proposal would amend the approved drawings by varying the condition 2 so that it would read as follows “The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

158-10-03; 158-10-04; 158-10-09; Site Survey; Planning, Design and Access Statement; 198-12-01; 198-12-02 Rev B; 198-12-05 Rev B; 198-12-06 Rev B; 198-12-07; 198-12-08 Rev B; 19-12-20

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.”

- 6.2 The change to the approved drawings only changes the scheme in regards to the insertion of rooflights and use of the loftspace. These changes do not allow the principle of the development to be re-examined. Members should focus only on the changes being sought and the associated impact of these changes.
- 6.3 Ordinarily, the insertion of rooflights and use of the loft space would not require planning permission for a single family dwellinghouse. However, the subject properties were not completed at the time of the works being carried, which means that the roof lights are effectively a change to the approved planning permission. Furthermore permitted development rights for alterations and extensions were withdrawn from these two houses by way of a condition on the original planning permission. The rooflights in the front roof slope are visible from the street while the rooflights in the top flat roof and the internal changes to the loft are not.
- 6.4 The rooflights in the front roof slope, while visible from the streetscene would not significantly alter appearance of the dwellings as permitted by the original planning consent.
- 6.5 The rooflights in the top flat section of the roof are not visible from the streetscene and would therefore not have an impact on the proposal visually. None of the windows now proposed cause overlooking or have any impact on the amenities of adjoining residents.
- 6.6 Concerns have been raised that the additional room in the loft space in each dwelling would then mean that the proposals were not compliant with the Council’s and Mayor’s space standards in particular for external amenity space. Although the developer has marketed the additional rooms in the loft as a ‘bonus room’, the change effectively turns the two bed house into a three bedroom house. The Core Strategy defines a family accommodation as benefiting from 3 bedrooms or more. The change therefore effectively ensures that the two properties are family sized dwellings.
- 6.7 The properties have shallow, but wide rear gardens and officers consider that they provide sufficient outside amenity space for a 3 bedroom dwelling. In terms of overall size of the dwellings, the new units still comply with the current Council and Mayor space standards. Therefore as the change would still be inline with local, regional and national policies .

6.8 Overall, the insertion of rooflights in the front roof slope and top flat roof and the use of the loft space as an additional room are considered acceptable when considered against local, regional and national planning policies.

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. The changes to the scheme by reason of their size and location would not harm the amenity of adjoining occupiers, the street scene or future occupiers. On this basis, the variation of the condition is recommended for grant.

8.0 **RECOMMENDATION**

GRANT PERMISSION subject to the following conditions:-

(1) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

158-10-03; 158-10-04; 158-10-09; Site Survey; Planning, Design and Access Statement; 198-12-01; 198-12-02 Rev B; 198-12-05 Rev B; 198-12-06 Rev B; 198-12-07; 198-12-08 Rev B; 19-12-20

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.

(2) The development shall be carried out in accordance with the approved details in application no: DC/11/79036, unless the local planning authority agrees in writing to any variation.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the buildings and to comply with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

(3) No plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the buildings.

Reason: It is considered that such plumbing or pipes would seriously detract from the appearance of the buildings and to comply with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

(4) The development hereby permitted shall include secure parking provision for cycles, in accordance with the details as approved by application no: DC/12/80964. Such provision shall be provided before either of the residential units are occupied and retained permanently thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

- (5) The landscaping shall be in accordance with the details as approved by application no DC/11/79036, and all works which form part of this approved scheme shall be completed in the first planting season following the completion of the development, unless the local planning authority has given written consent to any variation. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority has given written approval to any variation.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the adopted Unitary Development Plan (July 2004).

- (6) No extensions or alterations to the buildings, whether or not permitted under Article 3 and Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, shall be carried out without the prior written permission of the local planning authority.

Reason: In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

INFORMATIVES

- A. 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, no pre-application discussions took place however following the consultation additional discussions were held which resulted in further information being submitted.