

Committee	PLANNING COMMITTEE (C)	
Report Title	103 Colfe Road SE23 2EX	
Ward	Perry Vale	
Contributors	Geoff Whittington	
Class	PART 1	29 August 2013

Reg. Nos. DC/13/83670

Application dated 29 May 2013, amended 5 July 2013.

Applicant Mr K Roberts

Proposal The construction of a single-storey extension to the rear of 103 Colfe Road SE23.

Applicant's Plan Nos. 964, 982B, OS Map & Photos.

Background Papers

- (1) Case File LE/524/103/TP
- (2) Lewisham Development Framework: Core Strategy (June 2011)
- (3) Unitary Development Plan (July 2004)
- (4) The London Plan (July 2011)

Zoning Adopted UDP - Existing Use  
PTAL 4

## **1.0 Property/Site Description**

1.1 The application dwelling is a first floor 3 bedroom flat located within a 2-storey property on the east side of Colfe Road. The upper floor unit has use of a small yard area at the rear, accessed via an internal staircase. The ground floor flat has private amenity space adjacent to the rear yard of the application property.

1.2 The rear elevations of nos.101-115 Colfe Road are clearly visible from Como Road. The surrounding area is predominantly residential, comprised of terraced dwellings.

1.3 The site is not within a conservation area, nor are there any listed buildings located within the immediate vicinity. The site is designated as being within an area of Local Open Space Deficiency.

## **2.0 Planning History**

2.1 Permission granted in 1982 for the construction of a roof extension to the rear roof slope.

2.2 In early 2013, permission was refused for the construction of a 2-storey extension to the rear, for the following reasons;

The first floor extension, due to siting and depth, is considered to be an unneighbourly and overbearing form of development, resulting in overshadowing and an unacceptable sense of enclosure to the adjoining occupiers, contrary to saved 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 of the adopted Core Strategy (2011).

### **3.0 Current Planning Application**

- 3.1 The current application proposes the construction of a single-storey extension to the rear of the property, measuring 3.5 metres deep and 3 metres wide.
- 3.2 A 1.3 metre wide, 1.7 metre deep pitched roof element would be built to the side nearest nos 105/107 to accommodate a reconfigured internal staircase, allowing for sufficient headheight. The highest point of the extension would reach 4.1 metres to the boundary nearest no.105, whilst the flat roof height would be 2.9 metres.
- 3.3 An amended plan (982B) has been received showing a slight reduction in width of the extension to retain the boundary fencing on either side.

### **4.0 Consultation**

#### Neighbours & Local Amenity Societies etc.

- 4.1 Letters of consultation were sent to 10 local residents on 19 June 2013, together with a notice displayed on site. Ward Councillors were also consulted.
- 4.2 Subsequently, three letters were received from the occupiers of 5 Harding Close (freeholder of 105/107 Colfe Road) and 101 Colfe Road, objecting to the proposed development on the following grounds:
  - The proposed development by reason of its size, depth, width, height and massing would have an unacceptably adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy and visually overbearing impact.
  - The proposed extension, by reason of its size and siting, would have an adverse impact on the scale and character of the dwelling.
  - The proposed extension, by reason of its size and siting, represents an unneighbourly form of development that would have an adverse impact on the amenity of neighbouring properties by reason of an overbearing effect.
  - The proposed extension by reason of its siting, would result in an unacceptable loss of privacy, adversely affecting the amenities enjoyed by the occupier of the adjacent dwelling house(s).
  - The proposed extension, by reason of its scale and bulk, would be out of keeping with the design and character of the existing dwelling, and would have an adverse effect on the visual amenity of the area as a whole.

- The proposed extension, by reason of its size, siting and design would represent an unneighbourly form of development, detrimental to the amenities of the occupiers of adjoining residential properties, particularly by reason of the overbearing effect.
- The site is located in a predominantly residential area where occupiers could reasonably expect a level of amenity concurrent with the property. The layout and siting, both in itself and relation to adjoining buildings, spaces and views, is inappropriate and unsympathetic to the appearance and character of the local environment.
- The mass, bulk and proximity of the rear elevation would present an overbearing and intrusive element to those neighbours at the rear of the property.
- The proposed extension will result in overdevelopment of an already extended property.
- This will result in loss of light and amenity to the adjoining properties.
- The overdevelopment would set a precedence, which if allowed to adjoining properties would result in a total loss of the already very small gardens.

4.3 A letter of support has been signed by the current occupiers of nos 105 & 107 Colfe Road.

(Letters are available to Members)

#### Highways and Transportation

4.4 Unobjectionable in principle.

#### Environmental Health

4.5 No objections raised.

### **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.
- 5.5 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, 214 and 215 of the NPPF.
- 5.7 NPPF gives a presumption in favour of sustainable development.
- 5.8 The NPPF also identifies three dimensions to sustainable development, of which two, social and economic, are relevant;
- 'a social role – supporting strong, vibrant and healthy communities...by creating a high quality built environment';
- 'an environmental role – contributing to protecting and enhancing our natural, built and historic environment.'
- 5.9 Although the NPPF instructs local planning authorities against imposing specific styles or tastes by unsubstantiated requirements, it clearly states that it is, "proper to seek to promote or reinforce local distinctiveness."

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

- 5.10 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.

#### London Plan (July 2011)

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

Policies 3.16 Protection and enhancement of social infrastructure; 5.3 Sustainable design and construction; 5.7 Renewable energy; 5.12 Flood risk management; 5.13 Sustainable drainage; 7.4 Local character; 7.5 Public realm and 7.6 Architecture.

#### Core Strategy (June 2011)

5.12 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 7: Climate change and adapting to the effects; Policy 8: Sustainable design and construction and energy efficiency; Policy 10: Managing and reducing the risk of flooding; and 15: High quality design for Lewisham.

#### Unitary Development Plan (July 2004)

5.13 The saved policies of the UDP relevant to this application are; URB 3 Urban Design; HSG 4 Residential Amenity; and HSG 12 Residential Extensions.

#### Emerging Plans

5.14 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).

5.15 The following emerging plans are relevant to this application.

#### Development Management Plan

5.16 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.

DM Policy 31. Alterations and extensions to existing buildings including residential extensions

## **6.0 Planning Considerations**

- 6.1 The main planning considerations in this case include the scale and appearance of the proposed development, and the level of impact upon the visual amenities of neighbouring occupiers and the streetscene generally.

### Principle of Development

- 6.2 The proposed 3.5 metre deep extension would be located to the rear of the property, and would serve the existing first floor flat.
- 6.3 The current occupiers are a family of three who are all experiencing varying forms of disability and restricted mobility. They have occupied the flat for a number of years and have no desire to move, preferring to extend the property rather than reside elsewhere. A roof extension has been constructed to provide additional bedroom space, however the unit remains cramped at first floor level.
- 6.4 The small kitchen/ dining room located to the rear of the flat leads directly through to a shared bathroom and utility room that accommodates a washing machine and dryer, a separate w.c., and internal stairs providing access to the existing rear yard.
- 6.5 The additional space would essentially provide an improved layout, with a moveable partition installed to ensure privacy to a new shower room. The existing staircase would be reconfigured to allow for better and safer access, leading down to a utility room within the new single-storey extension.
- 6.6 Having visited the property, officers observed the steep nature of the stairs, with shallow treads resulting in difficulty navigating them for an able bodied person. For a person suffering from a disability, the stairs are clearly a potential danger, therefore officers appreciate the reasons for the proposed works.
- 6.7 In principle, the construction of a single-storey extension to the rear of the application property is considered acceptable, subject to size, appearance and visual impact upon the amenities of neighbouring occupiers and the streetscene generally.

### Scale and Appearance

- 6.8 Policy URB 3 states that the Council will expect a high standard of design in extensions or alterations to new buildings, whilst ensuring that schemes are compatible with or compliment the scale and character of existing development and it's setting.
- 6.9 The single-storey extension would be simple in appearance, with the only opening being the door leading into the yard area.
- 6.10 The appearance and scale of the pitched element that provides the headroom for the internal staircase is not a typical aspect generally attributed to household extensions, however its height and slope are not dissimilar to a pitched roof that would normally span the full width and depth of an extension. The overall height would be 4.1 metres, sloping down to an eaves height of 2.9 metres, whilst measuring only 1.7 metres deep.

- 6.11 The Council generally expects the retention of sufficient garden space where rear extensions are proposed. In this case, the garden would be reduced from 5.2 metres deep to 1.7 metres. The main reasons for the 3.5 metre depth of the extension is to accommodate the internal stairs and to provide sufficient space for the utility room. The applicants have described the garden as being more of a back yard, with hardstanding throughout and its primary use being for hanging out washing and storing refuse bins.
- 6.12 Officers have considered this, together with the disabilities of the occupiers. Depending upon the level of visual impact upon the neighbouring properties, a degree of leniency may be reasonable on this occasion in respect of the proposed depth of the extension in relation to the small nature of the garden area.
- 6.13 Overall, officers raise no objections to the appearance of the proposed extension, neither would it be to the detriment of the host building.

#### Visual Impact upon Neighbouring Occupiers

- 6.14 Policy HSG 12 states that extensions should be neighbourly and should not result in an appreciable loss of privacy and amenity, including sunlight and daylight for adjoining houses and their back gardens.
- 6.15 Neighbours have raised concern that the extension would be overbearing, unneighbourly and intrusive, resulting in visual harm.
- 6.16 The extension would measure a depth of 3.5 metres, which is generally considered acceptable by the Council. Officers acknowledge that due to the shallow depth of the back gardens to the adjoining properties the occupiers are concerned the extension may appear overbearing. The ground floor occupiers at no.101 have use of garden space to both the side and rear of the property, however they consider their main garden to be the area at the rear adjacent to the proposed siting of the extension.
- 6.17 During the previous planning application for a 2-storey extension to 103, officers determined that the visual impact upon the neighbouring occupiers would be detrimental. In this case, the height reduction to a single-storey is considered more appropriate for this setting. Whilst the addition would be visible from the garden of 101, the majority would be screened by the existing fencing - the plan submitted indicates the addition would extend only 0.5m above the existing fenceline. For this reason, officers consider the extension would not result in significant visual harm or overshadowing to the occupiers of 101, and would not impact upon any habitable rooms within their flat.
- 6.18 There is also neighbour concern that the extension would result in loss of privacy, however the applicant has intentionally included no windows to the flank walls to avoid overlooking. A condition has been included to ensure use of the flat roof as a terrace or roof garden cannot be undertaken without the benefit of planning consent.
- 6.19 In regard to the adjoining property at no.105/107, the extension would not affect any habitable room windows. As with no.101, the height of the existing boundary fencing would serve to reduce the visual impact of much of the extension up to eaves level.

- 6.20 The 'sloping roof' element would be noticeable from the neighbouring garden, but as addressed earlier in this report, it would project only 1.7 metres from the rear wall of the building, resulting in a less significant impact than a conventional pitched roof that generally extends the full depth of single-storey extensions.
- 6.21 Officers acknowledge the application property has already been extended to the rear roof slope, however it is considered unreasonable to refuse permission for the single-storey extension on grounds of overdevelopment, as raised in one objection letter, particularly as there are examples of similar extensions to properties in the neighbouring vicinity.

#### Impact Upon Character of Area

- 6.22 The rear elevations of these properties are clearly viewed from Como Road to the east. Considering the single-storey nature of the extension, and the fact much of it would be obscured by the existing rear boundary fencing, officers are satisfied it would not result in an adverse impact upon the character of the streetscene.

#### Refuse Storage

- 6.23 Despite the extension being built upon much of the existing yard area, sufficient space would be retained for refuse storage.

#### Community Infrastructure Levy

- 6.24 The Community Infrastructure Levy (CIL) is a levy which was implemented by the London Mayor on 1 April 2012.
- 6.25 This development is not considered to be CIL liable.

### **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 Officers acknowledge the current plight of the applicants, whereby the family of three are all suffering from various forms of disability. Despite there being an existing roof extension and three bedrooms, the maisonette feels cramped, with a small bathroom accessed directly from the kitchen. The stairs leading down to the rear yard are steep and difficult to navigate, as experienced by the case officer, therefore the proposed works would provide better living standards for the occupiers.
- 8.2 Officers are satisfied the scale and siting of the extension would not impact significantly upon the visual amenities of the neighbouring occupiers, whilst the appearance is acceptable.
- 8.3 For these reasons, it is therefore recommended permission be granted.



## 9.0 **RECOMMENDATION**

### 9.1 **GRANT PERMISSION**, subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990.

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

964, 982B, OS Map & Photographs

**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.

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

**Reason:** To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the extension and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

- 4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed area of the extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

### **Informative**

**Positive and Proactive Statement:** 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.