

Committee	PLANNING COMMITTEE C	
Report Title	58 Somertrees Avenue, SE12 0BY	
Ward	Grove Park	
Contributors	Sean O'Sullivan	
Class	PART 1	Date: 10 OCTOBER 2013

Reg. Nos. DC/13/83458

Application dated 07.05.13

Applicant Dr A Rubbani

Proposal The construction of an extension at first floor level above an existing ground floor extension to the rear of 58 Somertrees Avenue SE12, and the installation of a side facing bedroom window to the existing dwelling at first floor level.

Applicant's Plan Nos. Drawing nos. 1765-5,1765-6, 1765-7,1765-8A, 1765-9A, 1765-10A, 1765-11A & Site Location Plan.

Background Papers

- (1) This is Background Papers List
- (2) Case File LE/346/581
- (3) Adopted Unitary Development Plan (July 2004)
- (4) Local Development Framework Documents
- (5) The London Plan
- (6) Development Management Local Plan – Proposed Submission Version August 2013

Designation PTAL 3

Screening Not applicable.

## **1.0 Property/Site Description**

1.1 The application relates to a two storey, semi-detached, three bedroom, single family dwelling which, is located on the northern side of Somertrees Avenue. The property has a garden area to the rear. The property is located in a residential area, which includes other semi-detached and terraced properties.

1.2 The property is not within a conservation area or subject to any Article 4 Direction, nor is it within the vicinity of any Listed building. Somertrees Avenue is an unclassified road and the site has a PTAL of 3.

## **2.0 Planning History**

2.1 DC/12/81427 - The construction of a first floor extension at the rear of 58 Somertrees Avenue SE12.  
APPLICATION WITHDRAWN

### **3.0 Current Planning Applications**

- 3.1 The current proposal is for the construction of an extension at first floor level above an existing ground floor extension to the rear of 58 Somertrees Avenue SE12, and the installation of a side facing bedroom window to the existing dwelling at first floor level.
- 3.2 A rear ground floor extension has been built on site and is almost complete. The parapet flank wall to the ground floor extension facing the neighbouring property at 56 Somertrees Avenue, appears to be 3.2 metres above ground level and the flat roof would be 3.0 metres high. The ground floor extension extends 3.0 metres from the original rear wall of the dwellinghouse and includes an extended kitchen area and a wc.
- 3.3 The first floor extension would extend 3.0 metres from the original rear wall of the dwellinghouse and both the flank wall of the extension facing 60 Somertrees Avenue and the rear wall, would be flush with the corresponding walls of the ground floor extension beneath. The opposite flank wall of the proposed first floor extension would be set 2.4 metres away from the side boundary with the neighbouring property at 56 Somertrees Avenue.
- 3.4 The pitched roof above the first floor extension, would be hip ended. The eaves of the first floor extension would be 5.4 metres above ground level and the ridge of the roof of the first floor extension would be 6.7 metres above ground level. The first floor rear extension would include an additional bedroom. The proposal includes the installation of a side facing bedroom window to the existing dwelling at first floor level, facing 60 Somertrees Avenue.

### **4.0 Consultation**

- 4.1 Letters were sent to residents in the surrounding area and the relevant ward Councillors.

#### **Pre-Application Consultation**

- 4.2 Not applicable.

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

- 4.3 Four letters of objection have been received from the occupiers of 46, 48, 50 and 60 Somertrees Avenue, raising the following concerns:
- proposed development would be visually obtrusive, over dominant and out of character with the host building and neighbouring properties;
  - the heights and depth of extension proposed;
  - loss of privacy resulting from side window proposed at first floor level in the existing house;
  - loss of daylight to neighbouring properties;

- allowing a first floor extension would create an unwanted precedent;
- majority of properties in surrounding area are east and similar development would cause a loss of sunlight and daylight to neighbouring properties;
- proposed development does not integrate with the surrounding area;
- proposed brickwork out of character with the host dwelling;
- a loft conversion would be an alternative to a first floor extension;
- objective of proposal is creation of a separate dwelling;
- possibility of a conversion to a house in multiple occupation.

(Letters are available to members).

### Highways and Transportation

4.4 No objection received.

## **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.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 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

- 5.3 The NPPF was published on 27th 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)'.
- 5.4 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)

- 5.5 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.
- 5.6 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. [Delete if not relevant]

## Other National Guidance

- 5.7 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)  
Guidance on Tall Buildings (English Heritage/CABE, July 2007)  
Code for Sustainable Homes Technical Guide (DCLG/BRE, November 2010)

### London Plan (July 2011)

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

Policy 3.4 Optimising housing potential  
Policy 3.5 Quality and design of housing developments  
Policy 3.14 Existing housing  
Policy 5.3 Sustainable design and construction  
Policy 5.7 Renewable energy  
Policy 7.4 Local character  
Policy 7.6 Architecture

### London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)  
Sustainable Design and Construction (2006)

### Core Strategy

- 5.10 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 5: Climate change  
Objective 10: Protect and enhance Lewisham's character  
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 15: High quality design for Lewisham

### Unitary Development Plan (2004)

- 5.11 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 5 Layout and Design of New Residential Development  
HSG 7 Gardens  
HSG 12 Residential Extensions

### Residential Standards Supplementary Planning Document (August 2006)

- 5.12 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

5.13 According to paragraph 216 of the NPPF decision makers 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).

5.14 The following emerging plans are relevant to this application.

### Development Management Plan

5.15 The Development Management Local Plan – Proposed Submission Version, is a material planning consideration and is growing in weight. Following the close of public consultation on 4 October 2013 the Proposed Submission Version will be submitted to the Planning Inspectorate for an Examination in Public. 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.

5.16 The following policies are considered to be relevant to this application:

DM Policy 1           Presumption in favour of sustainable development

DM Policy 30        Urban design and local character

- *General principles*
- *Detailed design issues*

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

## **6.0 Planning Considerations**

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

- a) Design
- b) Impact on Adjoining Properties
- c) Sustainability and Energy

## Design

- 6.2 National and local planning policies place considerable emphasis on the importance of achieving high quality design that complements existing development, established townscape and character. It is stated in paragraph 56 of the NPPF that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” It is also stated in paragraph 57 of the NPPF that “It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”
- 6.3 It is stated in DM Policy 30 (Urban design and local character) of the Development Management Local Plan – Proposed Submission Version August 2013, that “*The Council will require all development to attain a high standard of design.*” DM Policy 31 sets out how to achieve good quality and well designed alterations and extensions.
- 6.4 The application is for a first floor rear extension above part of an existing ground floor extension. The roof component of the proposed extension would be pitched and hip ended. The first floor extension would be set away from the neighbouring property at 56 Somertrees Avenue. The proposed first floor extension, combined with the existing ground floor extension, would appear subordinate to the existing dwelling and they would be of an acceptable appearance in relation to the existing property and the surrounding area.

## Impact on Adjoining Properties

- 6.5 It is stated in DM Policy 31 (Alterations and extensions to existing buildings including residential extensions) of the Development Management Local Plan – Proposed Submission Version August 2013, that “*residential extensions, roof terraces and balconies and non-residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens*”.
- 6.6 The flank wall of the proposed first floor extension facing 56 Somertrees Avenue would be set 2.4 metres away from the side boundary with this neighbouring property. The proposed first floor extension would cause no significant visual intrusion, loss of outlook, loss of daylight or increase in the sense of enclosure to the rear 56 Somertrees Avenue.
- 6.7 The original rear wall of the dwellinghouse at 58, is set approximately 3 metres forward of the rear wall at 60 Somertrees Avenue. The proposed first floor extension would therefore cause no significant visual intrusion, loss of outlook, loss of daylight or increase in the sense of enclosure to the rear of this neighbouring property.
- 6.8 The bedroom window installed in the flank wall at first floor level of the existing dwelling, along with the proposed first floor extension, would not cause any significant loss of amenities to the side of 60 Somertrees

Avenue, as there are no windows in the flank wall of this property facing 58. The area to the side of 60 Somertrees Avenue allows access to the rear garden of this property from the public highway, by an approximately 2 metre high closeboard timber gate attached to the rear corner of this neighbouring dwelling house.

- 6.9 The rear window to the first floor extension would cause a slight increase in overlooking of the rear garden areas neighbouring properties. However, any loss of privacy caused to these properties, would not be significant enough to warrant refusal. There are no other significant amenity issues to consider with the proposed scheme.

#### Sustainability and Energy

- 6.10 It is stated in Core Strategy, Policy 8 all new residential development will be required to achieve a minimum of Level 4 standards in the Code for Sustainable Homes from 1 April 2011. However, it is considered for a development of the scale proposed, it is not necessary to incorporate renewable energy facilities.

### **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 design, appearance and impact upon neighbouring properties is acceptable.

### **8.0 RECOMMENDATION**

**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:

1765-5, 1765-6, 1765-7, 1765-8A, 1765-9A, 1765-10A, 1765-11A & Site Location Plan.

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 building(s) 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), no formation of any door providing access to the roof of the existing ground floor extension shall be carried out allowing 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).

### **INFORMATIVES**

- (1) **Positive 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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.
- (2) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.