

Committee	PLANNING COMMITTEE C	
Report Title	FLATS A, B, C + D 43 LIMES GROVE, LONDON SE13 6DD	
Ward	Lewisham Central	
Contributors	Rachel Stephenson	
Class	PART 1	21 May 2015

<u>Reg. Nos.</u>	DC/15/90588
<u>Application dated</u>	12.02.15
<u>Applicant</u>	Duncan Woodburn RIBA on behalf of Lou Investments
<u>Proposal</u>	The erection of an external metal staircase at the rear of Flats A, B, C + D 43 Limes Grove, London, SE13, together with the replacement of an existing window opening in the rear elevation at first floor level to provide a door.
<u>Applicant's Plan Nos.</u>	05; 06; Design and Access Statement received 27th February; 01; 02; 03; 04; 07; 08 received 29th April 2015
<u>Background Papers</u>	(1) Case File LE/801/43/TP (2) Local Development Framework Documents (3) The London Plan (4) The NPPF
<u>Designation</u>	No designations
<u>Screening</u>	Not EIA development

1.0 Property/Site Description

- 1.1 The application relates to a three-storey and basement, semi-detached Victorian house located on the northern side of Limes Grove. The property has an original three storey rear projection. The land at the rear of the site slopes upwards towards the rear boundary. The neighbouring property no. 41 is stepped 0.8m lower than the application site level. The property comprises 4 no. flats, rented privately.
- 1.2 The rear garden of the application site measures 22.5 metres deep from the rear projection, and 3.8m wide. The garden has been divided into two sections. The first is a fenced area located near the rear of the property and accessed directly from the basement flat rear doors. The remainder of the rear garden provides communal amenity space for the remaining three flats; high brambles currently cover this garden space and it looks unused. This area is accessed by a gated path located to the side of the property. The house is separated into flats and rented out.
- 1.3 The surrounding area is residential in nature, characterised by terraced and semi-detached properties.

- 1.4 The adjoining property no.45 Limes Grove has recently had an application (DC/14/88685) granted for the erection of an external metal staircase and landing from first floor level to the rear garden together with the enlargement of a first floor window in the rear elevation to accommodate wooden double doors to provide direct access to the rear garden for the first floor flat.
- 1.5 The application property is not within a Conservation Area, and does not lie near any listed buildings.

2.0 Planning History

- 2.1 In 1975, permission was granted for the use of the basement at 43 Limes Grove, S.E.13 for a General Medical Practice. Permission was granted on the condition that it shall be personal to Dr. G Heredith and Dr. B R Jacobs and shall not enure for the benefit of the land. In addition, no part of the Medical Practice shall extend to the residential upper part of the building.
- 2.2 In 1987, permission was granted for the alteration and conversion of the semi-detached house at 43 Limes Grove SE13 to provide 1, two-roomed self contained flat and 1, six-roomed maisonette.
- 2.3 In 1988, permission was granted (405C) for the alteration and conversion of 43 Limes Grove SE13 to provide 2, one bedroomed and 2, two bedroomed self contained flats.
- 2.4 In 2013, outline planning permission (DC/13/83284) was refused for the construction of a single-storey, single person wheelchair accessible flat to the rear. The reason for refusal was:
 - 1) the proposal would result in the development of an existing rear garden, constituting a cramped and inappropriate form of development, harmful to the character of the area.

3.0 Current Planning Applications

The Proposals

- 3.1 The application seeks full planning permission for the erection of an external metal staircase and landing from first floor level to the rear garden together with the replacement of a first floor window in the rear elevation to accommodate uPVC double doors to provide direct access to the rear garden for the upper floor flats. The doors would be uPVC with white frames.
- 3.2 A black metal staircase is proposed which would have a landing width of 1.93m and depth of 0.92m. The staircase would be 4.4m high to the semi-basement area and 3.45m high to the garden, which is at a higher level. The staircase would extend 3.39m from the rear wall. The existing fencing, surrounding the basement flat, would be relocated to allow access to the rear section of the garden. The area of private amenity space for the basement flat would be reduced from 58.4m² to 38.6m².
- 3.3 The distance from the landing to the rear of the garden, adjoining property no. 19 and no.20 Bonfield Road, would measure 23m. The distance from the landing to the western side boundary, adjoining property no. 41, would be 5.2m, and to the eastern side boundary, adjoining property no. 45, would be 0.1m.

4.0 Consultation

Neighbours and Local Amenity Societies

- 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 A site notice was displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors.

Written responses received from Local Residents

- 4.3 Four letters were received from the occupiers or owners of no. 41 Limes Grove, 19 & 20 Bonfield Road objecting on the following grounds:
- Privacy and overlooking issues;
 - It would create a dumping ground for rubbish;
 - It would cause an increased amount of light and noise pollution;
 - In the long term it could become a main entry point.

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 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 5.3 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 in paragraph 211, that 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 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.

Other National Guidance

- 5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan (March 2015)

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4 Local character
Policy 7.6 Architecture

Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London 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:

Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

- 5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

- 5.9 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

Residential Standards Supplementary Planning Document (August 2006)

5.10 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.

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

Design

6.2 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on 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. The NPPF states 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 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30 and 31, seeks to apply these principles. The Council's Residential standards SPD provides officers with further detailed guidance to apply to such residential proposals.

6.4 DM Policy 30 supports Core Strategy Policy 15 as it sets out detailed principles to support good urban design in the borough, the Council will require alterations to existing buildings to attain a high standard of design. The policy also addresses detailed design issues and states that planning applications must demonstrate the creation of a positive relationship to the existing townscape to preserve an urban form which contributes to local distinctiveness, such as building features. Furthermore, building materials used should be of high quality and either match or complement the existing development.

6.5 DM Policy 31 sets out more specifically how to achieve good quality alterations to existing buildings and states that proposals for alterations will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features.

6.6 The erection of the staircase and the replacement of the existing first floor rear window with a door would give the occupiers of the upper floor flats direct access from their properties into the garden.

- 6.7 The host property is a three-storey plus basement semi-detached property which has been constructed of stock brick. The windows at the rear of the property are white casement UPVC top hung double glazed windows. It is proposed that one existing white UPVC, double glazed, top hung window at first floor level will be replaced with a glazed white UPVC framed door within an enlarged opening. It would be elongated by 0.55m, and the width of the opening would not be altered. The enlarged opening would follow the existing alignment of windows in the rear elevation.
- 6.8 Officers consider that the larger opening would not have a significant impact on the character of the property as the changes are in keeping with the existing arrangement of openings. In addition, the changes are to be made to the rear of the property and therefore it would not be visible from the public realm.
- 6.9 The replacement of a window with a door would not adversely affect the character and appearance of the host property or surrounding area, as the design of the door is considered to be compatible with the character of the property.
- 6.10 The staircase is to be constructed from metal and would be painted black. It would have a small landing area, with a straight flight of steps to the rear garden. The design and colour of the staircase would not be significantly at odds with the existing property and would not stand out such that it would be an incongruous feature.
- 6.11 It is considered that the design of the black metal staircase would not have an adverse impact on the character of the property and would have the benefit of enabling more direct access to the rear amenity space for the occupiers of the upper floor flats.

Impact on Adjoining Properties

- 6.12 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining properties. It must therefore be demonstrated that proposed alterations are neighbourly and that significant harm will not arise with respect to overbearing impact, loss of outlook, overshadowing, loss of light or general noise and disturbance.
- 6.13 The main impact would be from overlooking from the landing and staircase. The neighbouring rear gardens are already overlooked to some extent from existing windows, however the degree of overlooking could be greater from an external balcony or platform and therefore must be considered. There would be some impact from the proposed staircase in terms of loss of privacy to the adjoining property at 45 Limes Grove. The landing of the staircase would be 3.45 metres above the level of the garden and users would be able to look into the rear gardens of numbers 41 Limes Grove, 45 Limes Grove, 19 Bonfield Road and 20 Bonfield Road.
- 6.14 The main impact would be in relation to 45 Limes Grove, as the landing would be adjacent to the property boundary. There would also be an impact in relation to 41 Limes Grove, as the property is located at a lower gradient to the site. The proposed landing at 1.93 metres wide and 0.92m deep would not facilitate 'sitting out' that would lead to significant loss of privacy or potential noise impacts on neighbouring occupiers. It is unlikely that users would dwell on the landing or stairs. In addition, there are tall trees located along the side boundary adjoining 41 Limes Grove that would obscure direct views to the rear part of the garden. Nonetheless, to mitigate

the potential overlooking, it is considered that a screen to both sides of the landing would be appropriate to prevent users having a view into the adjacent gardens of both properties and to restrict the angle of view to the rear gardens.

- 6.15 There would be a distance of 23m between the landing and the rear of the garden, adjoining properties no. 19 and no. 20 Bonfield Road. The rear gardens of no. 19 and no.20 measure approximately 16m in depth. In light of this the proposal is not considered to cause a significant overlooking impact to these properties.
- 6.16 The area of private amenity space for the basement flat would be reduced from 58.4m² (9.9m x 5.9m) to 38.6m² (9.9m x 3.9m). The remaining usable garden space provides 77.6m² for the three upper flats altogether. In light of this, the garden for the basement flat is considered a generous proportion of the total amenity space and has benefit of being private. It is felt that the new garden size would be acceptable for this one-bedroomed flat.
- 6.17 The location of the proposed staircase, beside the basement flat garden, could cause potential overlooking. It is felt that the rear windows located on the flats above already overlook this amenity space and therefore the introduction of a staircase would not cause a significant increase in loss of privacy. In addition, it is felt that it is unlikely that anyone would pause on the landing or stairs.
- 6.18 On balance, it is considered that the development is acceptable in relation to the level of impact on residential amenity.

7.0 Community Infrastructure Levy

- 7.1 The above development is not CIL liable.

8.0 Equalities Considerations

- 8.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 8.4 It is considered that the proposed alterations to the property would have no adverse impact on equality.

9.0 Conclusion

- 9.1 The erection of an external metal staircase with landing and the replacement of a first floor window in the rear elevation to provide a door is considered acceptable, in accordance with adopted Council, London-wide and national planning policies, subject to the proposed conditions, requiring details of a screen to be approved and the screens to be erected prior to first use of the stair and maintained in perpetuity, to seek to mitigate the potential overlooking impact. It is therefore recommended that permission be granted.

10.0 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.
- (2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

05; 06; Design and Access Statement received 27th February; 01; 02; 03; 04; 07; 08 received 29th April 2015.
- (3) Notwithstanding the information submitted, no development shall commence until details of two screens 1.8m in height for both sides of the first floor landing, facing property boundaries No. 41 and No. 45 Limes Grove, have been submitted to and approved in writing by the local planning authority. The screen shall be installed before the staircase is brought into use and shall be retained in full accordance with the approved details in perpetuity.

Reasons

- (1) As required by Section 91 of the Town and Country Planning Act 1990.
- (2) 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) To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings and DM Policy 32 Housing design, layout and space standards in the Development Management Local Plan 2014.

INFORMATIVES

- (1) **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.

- (2) The applicant is advised that condition 3 requires details to be submitted prior to the commencement of works in order to ensure that the required mitigation is installed prior to first use of the stairs.