

Committee	PLANNING COMMITTEE C	
Report Title	3A Eliot Park, London, SE13	
Ward	Blackheath	
Contributors	Andrew Hartcher	
Class	PART 1	04 February 2016

Reg. Nos. DC/15/91686

Application dated 27 May 2015

Applicant Paul Simms

Proposal The alteration and conversion of the existing two-storey maisonette into two single-storey residential flats (lower ground floor and upper ground floor), together with the construction of a part one, part two storey rear extension at 3A Eliot Park, SE13.

Applicant's Plan Nos. Design and Access Statement, Heritage Statement, Existing Floor Plans (received 7th April 2015); Proposed Elevations (received 30th September 2015); Proposed Floor Plans (received 1st October 2015); Location Plan (received 11th January 2016) and Bat Survey Report (received 13th January 2016).

Background Papers (1) LE/135/3/TP
(2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)

Designation PTAL 4
Local Open Space Deficiency
Blackheath Conservation area
Not a listed Building

Screening N/A

1.0 Property/Site Description

- 1.1 The application site is occupied by a four storey (including semi-basement) semi-detached property on the south west side of Eliot Park, which is divided into three flats. This application relates to the upper ground and lower ground floor levels, which are currently in use as a single maisonette dwelling with a Gross Internal Floor area of 133.45m².
- 1.2 The property has an original part two, part three storey projection to the side, which at upper ground floor level includes the common entrance to the property. Within the hallway, there is a doorway into the existing maisonette and a staircase to the upstairs flats at first and second floor levels, Nos. 3B and 3C. Adjacent to the side projection are external steps leading to a path along the side of the

building at lower ground floor level, which leads to the rear garden area, which is at a lower level.

- 1.3 On the main front elevation of each of the semi-detached pair, there are two windows on each level, with a varying window design at each level. The front garden, which is densely planted, slopes down towards the semi-basement area, allowing light to the lower ground floor windows.
- 1.4 There is a change in levels between the front and rear of the property. The upper ground floor level to the front is at pavement level while the rear garden access is at lower ground floor level.
- 1.5 To the rear of the property the rear elevation has a stepped alignment, with an original two storey projection with a hipped roof that is set forward of the main elevation by 1m, adjoining which is a further projection, with a lean to roof against the main projection and this in turn steps forward of the main elevation by 0.5m. The side projection is set back from the main rear elevation by 0.5m
- 1.6 The rear garden is approximately 21m in length and to the rear the property boundary adjoins the rear gardens of Nos. 14 to 16 Walerand Road. To the west side is the adjoining semi-detached property (No. 2 Eliot Park) and beyond that a detached property (No. 1 Eliot Park). All three properties are divided into flats. To the east of the site is a block of four storey flats dating from the 1980s (No. 4 Eliot Park). To the rear the flats project forward of the rear building line of the semi-detached pair by 3m.
- 1.7 The site is within the designated Blackheath Conservation Area but is not adjacent to any locally or statutory listed buildings.

2.0 Planning History

- 2.1 **DC/14/88590** – Application for the construction of a part one, part two storey rear extension, alterations and conversion of the upper ground and lower ground floor maisonette to provide 1 two bedroom flat and 1 three bedroom flat. **Refused by Committee in December 2014.**
- 2.2 This was refused due to its incompatible design and excessive bulk which would detract from the architectural integrity of the building and the semi-detached pair of which it forms part, and fail to preserve or enhance the special character and appearance of the Blackheath Conservation Area.
- 2.3 **DC/14/86350** – Application for the construction of a part one, part two storey rear extension, alterations and the conversion of the upper ground and lower ground floor maisonette to provide 1 two bedroom flat and 1 three bedroom flat. **Withdrawn in August 2014.**
- 2.4 Withdrawn by the applicant when it became apparent that the incorrect certificate of ownership had been submitted in error.
- 2.5 **DC/99/45274** – The alteration of windows in the side and rear elevations and rear doors at 3A Eliot Park SE13. **Granted in December 1999.**

3.0 Current Planning Applications

The Proposal

- 3.1 The proposal is for alteration and conversion of the existing two-storey maisonette into two single-storey residential flats (lower ground floor and upper ground floor), together with the construction of a part one, part two storey rear extension at 3A Eliot Park, SE13.

Alterations to existing building

- 3.2 There are no alterations proposed to the front elevation. The front entrance is to be retained for the main entrance to the upper ground floor flat. A new entrance is proposed in the side elevation at lower ground level, to provide access to the lower ground floor property, with no further alterations to the side elevation at lower ground floor level. At the upper ground floor level there are currently three windows in the side elevation. It is proposed to remove one of these windows (the stair landing window) and brick it up, and retain the other two windows.

Proposed extension

Lower Ground Floor Level

- 3.3 To the rear, the proposed extension would project out from the existing lower ground floor building line (which is currently stepped back), by 3.3m to 5.1m at its shallowest and deepest points.
- 3.4 On the side adjoining No. 4 Eliot Park, the extension would extend across 6.1m towards No. 2 Eliot Park at which point the projection would step back by 1.5m for a distance of 2.6m until it meets the property boundary line of No. 2 Eliot Park.
- 3.5 In the rear elevation at lower ground floor it is proposed to install glazed black coated aluminium doors (7 panels) and framing extending across the full width of the proposed extension to match the neighbours (No.2 Eliot Park) approved rear extension (DC 14/89157). The flank walls would match the existing dwelling with rendered brickwork coated with white masonry paint while the rear wall would be reclaimed London Stock brick.
- 3.6 The single storey element of the extension would have a flat roof with glazed conservatory style panels to match the neighbours approved rear extension and a maximum height of 3.5m above ground level.

Upper Ground Floor Level

- 3.7 The second storey element of the extension at upper ground floor level would project out from the existing upper ground floor building line (which is currently stepped back) by 0.97m to 1.6m at its shallowest and deepest points for a width of 4.2m. The extension would therefore infill the small stepped back part of the second storey resulting in a building with the same alignment for the full width of the plot at upper ground floor level.
- 3.8 The second storey element of the extension would have a white timber sash window in the rear elevation and reclaimed London Stock bricks walls to match the existing dwelling.

- 3.9 The second storey element of the extension would have a low pitched slate roof to match existing second storey roof at a height to the eaves of approximately 6.3m above ground level.

Set Backs

- 3.10 The proposed extension would adjoin the boundary of No. 2 Eliot Park at the same alignment as its newly built rear extension at lower ground level. The secondary and furthest projection of the proposed extension would be set back 2.6m across from the boundary of No. 2 Eliot Park creating a stepped building line.
- 3.11 The secondary and furthest projection of the proposed extension (lower and upper ground floor levels) on the side of No. 4 Eliot Park would be set back 0.8m from the property boundary and 1.5m from the existing building itself on this site. This part of the extension would extend 0.7m beyond the existing rear building line at No. 4.

Refuse and cycle parking facilities

- 3.12 The Applicant proposes to provide refuse and recycling facilities and 5 cycle parking spaces at the front of the property at pavement level.

Proposed accommodation

Lower Ground Floor Level

- 3.13 The lower ground floor is proposed as a three bedroom unit, with each bedroom providing between 12.7m² to 16.3m² of floorspace.
- 3.14 The master bedroom would have an ensuite bathroom and an additional bathroom would also be provided in the flat.
- 3.15 A separate living area (15.9m²) would be provided in the centre of the flat connecting to kitchen (21m²) at the rear of the property. Glazed aluminium doors would provide access onto the existing patio from the kitchen and the master bedroom to the rear garden.

Upper Ground Floor Level

- 3.16 At upper ground floor level a two bedroom unit is proposed, with the bedrooms providing between 14.5m² to 21.5m² of floorspace.
- 3.17 A separate bathroom would be provided in the flat. A combined open plan kitchen, living and dining area would be provided at the front of the flat with a total of 27.8m² of floorspace. There would be no direct access from the upper ground floor flat to the rear garden.
- 3.18 The lower ground floor flat will, once extended provide 87.32m² of internal floorspace for a 3 bedroom flat and the upper ground floor flat will provide 69.32m² for a 2 bedroom flat.

Supporting Documents

3.19 The application is accompanied by a Design and Access Statement, a Heritage Statement and a Bat Survey Report.

4.0 Consultation

4.1 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 and conservation area notice were displayed and letters were sent to residents in the surrounding area. Local ward Councillors were consulted.

4.3 A total of 8 submissions were received from members of the public, 7 objecting to the proposal and 1 supporting the proposal.

Public Submissions

4.4 Objections to the scheme were received from 7 residents (including those at 1C, 2B, 8, 14 and 24 Eliot Park) on the following grounds:

- the proposal would result in a significant loss of garden space, a mature tree and a harmful effect on wildlife, particularly bats;
- the proposal intrudes into an area used by bats for foraging and warrants a bat survey;
- a large part of the rear garden of No.3 is owned by Lewisham Council;
- the extension will cause overshadowing of adjoining properties;
- the proposal would extend beyond established and graduated building lines at the rear of properties at Eliot Park, ruining rear garden vistas;
- concern that the building will disturb the foundations and damage surrounding properties;
- the design of the proposal is out of character with the area and adjacent properties and would have a negative impact on residential amenity;
- the proposal would set a dangerous cumulative precedent for garden development in the conservation area;
- the proposal would take away a good sized family residence to create two flats;
- the proposal would place additional load on the existing stormwater drainage system;
- insufficient consultation and timeline for making a submission, particularly given holiday period;
- the proposal would result in increased car parking demand;
- insufficient pre-application consultation by the Applicant;
- amended plans being provided to Council without reconsultation of residents; and
- errors on the planning application form.

4.5 A submission was received from the owner of the flat above No. 3A Eliot Park (No. 3B) supporting the proposal on the following grounds:

- the proposal would provide the type of extra accommodation needed in the street;
- the proposal is a smaller and improved scheme that cannot be considered overdevelopment;
- the proposal would maintain the façade and general condition of the street; and

- the proposal is sympathetic to the adjoining neighbour's new extension, matches the overall style of the extension and the conservation area.

Blackheath Society

- 4.6 The Blackheath Society was consulted on the subject application and did not make a submission.

Blackheath Village Residents Group

- 4.7 The Blackheath Village Residents Group was consulted on the subject application and did not make a submission.

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 1.1 Delivering the strategic vision and objectives for London

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.4 Retrofitting

Policy 5.7 Renewable energy

Policy 5.11 Green roofs and development site environs

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

- 5.7 The London Plan SPG’s relevant to this application are:

Housing (2012)

Sustainable Design and Construction (2006)

London Plan Best Practice Guidance

- 5.8 The London Plan Best Practice Guidance’s relevant to this application are:

London Housing Design Guide (Interim Edition, 2010)

Core Strategy

- 5.9 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 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
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment
Core Strategy Policy 21 Planning obligations

Development Management Local Plan

5.10 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:

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 3	Conversion of a single dwelling to two or more dwellings
DM Policy 22	Sustainable design and construction
DM Policy 26	Noise and vibration
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 32	Housing design, layout and space standards
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

Residential Standards Supplementary Planning Document (amended 2012)

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.

Blackheath Conservation Area Appraisal and Supplementary Planning Document (2007)

5.13 This document sets out the areas of distinct character in the Blackheath Conservation Area including the architectural character, materials and details of the buildings contained within. The document also sets out guidance in relation to

planning considerations for development proposed in the Blackheath Conservation Area.

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design and Impact on the Blackheath Conservation Area
- c) Standard of Residential Accommodation
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Other Matters

Principle of Development

- 6.2 Policy 3.4 Optimising housing potential of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.
- 6.3 Policy 3.5 Quality and design of housing developments of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context and states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 6.4 The existing building at No. 3 Eliot Park is a four storey semi-detached property that has been divided into three flats. The existing maisonette is large and has a gross internal floorspace of approximately 133.45m².
- 6.5 DM Policy 3 Conversion of a family house to two more dwellings does not apply to the subject application as it applies to the conversion of single family houses into two or more dwellings, rather than the conversion of existing flats.
- 6.6 The site has a PTAL rating of 6a which represents excellent public transport accessibility levels. Intensification of the existing residential use at this location would therefore be welcomed provided that the development is designed to complement the character of surrounding developments and the design and layout of the flats create a suitable standard of residential accommodation. It is considered that there would not be any significant negative parking implications arising from an intensification of residential land use on the site.
- 6.7 The evidence for Lewisham shows that the main need for housing is for family housing, which is defined in the London Plan as houses having three or more bedrooms. The proposal seeks to retain one three bedroom unit and to provide an additional two bedroom unit. Therefore, it is considered that the three bedroom lower ground floor unit with direct garden access would provide suitable family accommodation and meet the needs of the future occupiers. This accords with the NPPF, the London Plan and Council's relevant planning policies.
- 6.8 Given the above, the principle of the further conversion of the existing maisonette into two flats is considered to be acceptable in this instance.

Design and Impact on the Blackheath Conservation Area

- 6.9 Paragraph 63 of the NPPF states that ‘in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area’. Paragraph 131 states that ‘in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 32 continues that great weight should be given to the asset's conservation. Paragraph 34 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.
- 6.10 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 6.11 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough’s heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.
- 6.12 DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions, including roof extensions 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 such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.13 DM Policy 31 also states that rear extensions will generally not be permitted where any part is higher than the height of the ridge of the main roof, or where the extension is not set back into the roof slope. Roof extensions on the street frontage of a building, particularly in a residential street will be resisted in favour of extensions to the rear of the building. Residential extensions should retain an accessible and usable private garden that is appropriate in size in relation to the size of the property. Additional or enlarged windows, doors and other openings, should be in keeping with the original pattern, and in the case of a roof extension should reflect the existing alignment of the windows. Replacement windows where controllable by the Council should closely match the pattern of the original windows.
- 6.14 DM Policy 31 states that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area.
- 6.15 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 states that the

Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving and or enhancing their character and or appearance, will not grant planning permission where alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

- 6.16 The proposal constitutes a rear extension to the existing property.
- 6.17 The gross internal floor space of the existing maisonette is approximately 133.45m². The proposed extension would add 23.19 m² of internal floor space (total 156.64m²), an increase of 17.4% which is considered to be reasonable. This represents an approximate 50% reduction in floorspace when compared to the previously refused proposal (DC 14/88590). This has been achieved by removing second storey (upper ground floor) element of the proposed extension (except a small infill section to make the second storey flush with the rear wall) and significantly reducing the single storey (lower ground floor) footprint.
- 6.18 Further, the proposed extension would not increase the width of the host dwelling noting that the ground floor footprint already covers the full width of the plot. The proposal follows the existing flank building line and does not extend any closer to the boundary than the existing side addition.
- 6.19 The single storey element of the extension would have a flat roof and a maximum height of 3.5m above ground level. The second storey element would have a low pitched slate roof to match the design and height of the existing dwelling at a approximately 6.3m above ground level to the eaves. Therefore, no part of the extension would be higher than the height of the main roof, and in regards to the second-storey element of the proposal, the extension would be set back into the existing roof slope.
- 6.20 The existing site is of considerable size at around 345m² and has a large garden depth of approximately 21m to the rear boundary. The existing property at No. 3 is also of considerable size with a ground floor footprint of around 90m². Given the size of the existing site and property and the depth of the resulting garden (around 18m to the rear boundary), the scale of the proposed extension is considered to be appropriate, with the height and massing of the proposed extension relating well to the proportions of the existing building, the site and its surrounds.
- 6.21 Considering the above, Council officers are satisfied that the proposed extension would complement the form of the existing building and would be smaller and less bulky than the original building such that it would remain subservient to the host dwelling in accordance with DM Policy 31.
- 6.22 The single storey element of the proposed extension would extend across 6.1m from No. 4 Eliot Park towards No. 2 Eliot Park at which point the projection would step back by 1.5m for a distance of 2.6m until it meets the boundary of No. 2 Eliot Park at the same alignment as its newly built rear extension. The secondary projection of the single-storey element of the proposed extension would extend 0.7m beyond the existing rear building line at No. 4 Eliot Park compared to 1.25m with the previously refused scheme.
- 6.23 The single storey element of the extension has been designed in response to concerns raised with the previously refused proposal (DC 14/8915) so that it is stepped back and so that garden vistas from No. 2 Eliot Park (and the windows of

its new extension) and adjoining properties towards the rear are maintained and the extension does not encroach into their line of sight. This allows the maintenance of graduated building lines and green vistas at the rear of properties at Eliot Park towards the south-east which was an issue of concern raised in public submissions.

- 6.24 The second storey element of the extension would essentially infill the small stepped back part of the second storey resulting in a building with the same alignment for the full width of the plot at upper ground floor level. At upper ground floor level, this allows the second storey element of the proposed extension to be set back considerably at 4.2m from the existing rear building line at No. 4 Eliot Park.
- 6.25 The proposed extension also would be built using materials that match or complement the existing dwelling (e.g. London Stock brick, white timber sash windows etc) and the neighbours (No. 2 Eliot Park) approved extension (DC 14/89157). Further, a suitably sized rear garden (over 50% of the existing) would be retained at the property.
- 6.26 Given the above, while it is acknowledged that the size of the proposed extension is substantial, Council officer's are satisfied that the proposed extension:
- has been designed so that it complements the form of the existing building, the site and its surrounds;
 - is smaller and less bulky than the original building and would be subservient to the host dwelling;
 - has been designed using high quality or complementary materials which are appropriate for the site context and are sympathetic to the neighbours (No.2 Eliot Park) approved rear extension (DC 14/89157);
 - would retain an accessible and usable private garden that is appropriate in size for the property; and
 - has been designed (e.g. through the use of set backs) to minimise impacts on residential amenity.
- 6.27 The proposal would therefore considered to be compliant with the requirements of DM Policy 31 and the Residential Standards SPD.

Conservation Issues

- 6.28 An application for a rear extension at the subject site was previously refused (DC 14/88590) in 2014 because of its incompatible design and excessive bulk which was considered to detract from the architectural integrity of the building and the semi-detached pair of which it forms part, and fail to preserve or enhance the special character and appearance of the Blackheath Conservation Area.
- 6.29 As discussed in the previous section of this report, Council's officer's are satisfied that the design of the current proposal has significantly improved from the previous such that it is considered to be of a high quality because it is smaller and less bulky than the original building, would be subservient to the host dwelling and would be built using complementary materials in accordance with DM Policy 31.
- 6.30 In particular, the Applicant has sought to significantly reduce the bulk of the proposed extension by removing approximately 50% of internal floorspace by removing the second storey (ground floor) element of the proposed extension

(except a small infill section) and significantly reducing the single storey (lower ground floor) footprint.

- 6.31 Council officer's acknowledge that the size of the proposed extension is substantial but do not consider that it would unreasonably impact on the architectural integrity or symmetry of the subject semi-detached pair (Nos. 2 and 3). This is because these properties are already asymmetrical and are not a matching pair. The architectural integrity and symmetry of these buildings was lost when the neighbours extension at No. 2 Eliot Park was approved and constructed (DC 14/89157). The impact of the proposed extension on the architectural integrity of the building is therefore not considered significant enough to warrant refusal of the application, subject to the scale and design of the proposal being appropriate which has been demonstrated earlier in this report.
- 6.32 Further, the symmetry of the subject semi-detached pair (Nos. 2 and 3) in the context of a conservation area is most important at the front elevation where no changes are proposed. Whilst the extension would alter the appearance of the properties from the rear, these are not Listed buildings, a suitably sized (some 18m long) garden would be maintained, green outlooks to the rear of Eliot Park would be maintained, the proposal would not result in an unreasonable impact on the amenity of adjoining occupiers (see further discussion below) and the alterations would not be visible from the public realm.
- 6.33 Given the above, Officers are satisfied that the reasons for refusal of the previous application (DC 14/88590) have been addressed by the revised scheme such that the proposed extension would not cause harm to the special characteristics of the Blackheath Conservation Area and is in accordance with DM Policy 36.

Standard of Residential Accommodation

- 6.34 DM Policy 31 states that new rooms provided by extensions to residential buildings will be required to meet the space standards in DM Policy 32 Housing Design, layout and space standards.
- 6.35 DM Policy 32 states that the standards in the London Plan and the London Plan Housing Supplementary Planning Guidance (SPG) will be used to assess whether new housing development including conversions provides an appropriate level of residential quality and amenity in terms of size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. The standards and criteria in this policy, including those of the London Plan and the London Plan Housing SPG, will ensure a reasonable level of residential amenity and quality of accommodation, and that there is sufficient space, privacy and storage facilities in development to ensure the long term sustainability and usability of the homes.
- 6.36 In this regard, DM Policy 32 states that residential accommodation shall:
- meet the minimum space standards for new development which should conform with the standards in the London Plan and the London Plan SPG on Housing (as updated in 2012);
 - provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy; and

- have a minimum floor height of 2.5 metres between finished floor level and finished ceiling level. Space that does not meet this standard will not count towards meeting the internal floor area standards.

6.37 The lower ground floor flat will, once extended provide 69.32m² of internal floorspace for a 2 bedroom 3 person flat and the upper ground floor flat will provide 87.32m² for a 5 person 3 bedroom flat. The London Plan minimum space standards for a 2 bedroom 3 person flat is 61m² and a 5 person 3 bedroom flat is 86m², therefore both units would comply with this control. In addition, at lower ground floor level the proposed bedrooms are between 12.7m² and 16.3m² and would therefore comply with the standard of 12m² for a double bedroom in the London Plan. At upper ground floor level, the proposed bedrooms are between 14.5m² and 21.5m² and would also comply with the London Plan in this regard. The kitchen/living/dining space for each unit also exceeds the minimum space requirements of the London Plan with 36.9m² provided at lower ground floor and 27.8m² provided at upper ground floor level.

6.38 All rooms are considered to have acceptable outlook, adequate privacy and would receive adequate sunlight and daylight.

Amenity Space

6.39 The proposal will provide direct access to the rear garden for the lower ground unit, from the master bedroom and kitchen. Whilst the upper ground floor unit will have no direct access into the garden area, there is a side access door proposed to allow rear garden access for the upper flats.

6.40 Given the above, Officers conclude that the proposal would provide an appropriate level of residential quality and amenity for potential future occupiers of the flats and would comply with the relevant requirements of the London Plan, DM Policy 31 and DM Policy 32.

Highways, Traffic and Servicing Issues

Car Parking

6.41 As noted earlier in this report, the site has a PTAL rating of 6a which represents excellent public transport accessibility levels. Accordingly, it is not considered there would be any significant negative parking implications arising from the intensification of residential land use on the site.

Cycle Parking and Refuse Storage

6.42 Cycle parking is required to be provided at a rate of 2:1 for this type of dwelling as stipulated in the London Plan (as amended in March 2015). This equates to a total of two cycle parking spaces per flat. The Applicant proposes to provide a total of 5 cycle parking spaces at the front of the property which exceeds the requirements of the London Plan.

6.43 The Residential Development Standards SPD (amended 2012) seeks to ensure that all new developments have adequate facilities for refuse and recycling. The Applicant proposes to provide refuse and recycling facilities at the front of the property.

- 6.44 Council's Conservation Officer raised concern that there is a lack of detail in terms of elevations, material detail, and landscaping to the front elevation in respect to the bin and bike storage area. It was recommended that the final details of these facilities (citing materials and design) be secured by a condition.
- 6.45 Council officers have therefore recommended conditions that would require the Applicant to submit further details of the bin and bike stores to Council for approval prior to the commencement of any development on site. This is to ensure that the siting, design and appearance of these facilities is appropriate and includes consideration of screening, landscaping and vegetation to minimise any visual impacts as far as a reasonably practicable.

Impact on the Amenity of Adjoining Properties

- 6.46 For areas of stability and managed change, Core Strategy Policy 15 states that small household extensions and adaptations to existing housing will need to be designed to protect neighbour amenity.
- 6.47 DM Policy 31 states that 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.
- 6.48 Given that the proposal would result in a minor 0.70m extension beyond the existing rear building line at the adjoining property at No. 4, it is considered unlikely that the proposal would result in any unreasonable impact on the amenity of the occupiers in terms of loss of outlook, overlooking or overshadowing.
- 6.49 There are a number of windows in the side elevation of No. 4 Eliot Park and it is acknowledged that there will be a level of impact to these windows. These windows are located behind the existing rear building line of No. 3 Eliot Park and as such already have limited light. Additionally, as these windows serve non-habitable rooms (kitchens and bathrooms) it is considered that whilst there will be a degree of impact, this is not so significant as to warrant the refusal of planning permission.
- 6.50 To the west side, the extension would be single storey and would be constructed up to the boundary with No. 2 Eliot Park. The single storey element of the extension would have a flat roof and a maximum height of 3.5m above ground level, just 0.20m higher than the adjacent property. As noted earlier in this report, the single storey element of the extension has been designed in response to concerns raised with the previously refused proposal (DC 14/8915) so that it is stepped back and garden vistas from No. 2 Eliot Park (and the windows of its new extension) to the south-east towards the rear are maintained and do not encroach into the 45 degree line of sight from this property. This also allows the maintenance of graduated building lines and green vistas towards the south-east at the rear of properties at Eliot Park which was also an issue of concern raised in public submissions (see further discussion below). In view of this, it is considered that the proposal would not result in a significant amenity impact on No. 2 Eliot Park in terms of loss of outlook, overlooking or overshadowing.
- 6.51 The rear of the property adjoins the rear gardens of numbers 14-16 Walerand Road. The distance to the nearest property at the rear on Walerand Road is

considerable at around 36m. The proposed extension is also separated by around 18m of garden land to the rear boundary and is screened by mature trees. As such, the proposal would not result in any amenity impacts to occupiers at the rear of the site.

- 6.52 Given the above, whilst the proposal will result in a change to the current site arrangements, the development is not considered to have an unreasonable impact on the amenity of neighbouring occupiers.

Other Matters

- 6.53 Concern was raised in public submissions that the proposal would extend beyond established rear building site lines running from No. 1 Eliot Park towards No. 6 Eliot Park. On the side adjoining No. 4 Eliot Park the extension will project beyond the rear building line of the adjacent flats by 0.70m. This encroachment is considered to be minor and would be well behind the rear building line of the next closest block of flats located further to the south-east which also form part of No. 4 Eliot Park. As such, it is considered that the proposal would have no discernable impacts on garden vistas towards the south-east at the rear of properties at Eliot Park. It is also noted that loss of views are not a relevant matter for planning consideration.
- 6.54 Concern was raised in public submissions that the building would disturb the foundations and damage surrounding properties and place additional load on the existing stormwater drainage system. However, Officers are satisfied that the construction impacts of the proposed extension would be minor and can be managed in accordance with standard building controls. Further, given the scale of the proposed extension relative to the existing property, Officers are satisfied that any additional load placed on the existing stormwater management system as a result of the extension would be inconsequential.
- 6.55 Objectors have drawn attention to the fact that the Council is the freehold owner of a significant part of the rear garden. The Council owns the freehold of the rear part of this and also parts of adjacent gardens in Eliot Park and Walerand Road. It is understood that there is a covenant limiting the use of the land to use as garden. The land owned by the Council is to remain as garden land in the current application.
- 6.56 Objectors raised concern about the effect of the loss of garden land on wildlife, including bats. Concern was also raised that the proposal intrudes into an area used by bats for foraging and warrants a bat survey.
- 6.57 However, the proposed extension would be constructed on an patio at the rear of the property and a small area of the garden closest to the house. The remainder of the garden (some 18m) would be retained as garden land. The extent of garden land affected is not excessive and it is not considered that the construction of the proposed extension would result in loss of wildlife habitat to the extent that permission should be withheld on grounds of loss of or damage to wildlife habitat.
- 6.58 Officers (including Council's Ecological Regeneration Manager) gave consideration to the characteristics of the development site in relation to the presence of bats and considered that the development does not meet the trigger requirements for a bat survey. The application site is an urban residential garden,

which is not known to the Council to contain bats, as a foraging/roosting site or within a designated protected area (Site of Nature Conservation Importance, Local Nature Reserve (LNR) or Green Corridor). The proposed development would not modify or disturb the eaves or roof space of the existing property nor is within the proximity to woodland or a watercourse. It is also noted that the location of the extension is not along or adjacent to a linear path, such as a railway embankment or park which are the favoured routes for foraging bats.

- 6.59 Given the scale of the development and that it is located in the garden area closest to the existing property, the potential impact on wildlife habitats is considered minimal. Although the development is likely to require the removal of one tree, for which a separate application is required should this be the case, the tree is not of a quality to support the roosting of bats and the proposal would not impact on the mature Ash Tree in the rear garden. The remainder of the existing garden will remain as garden land.
- 6.60 Council's Ecological Regeneration Manager has advised that (as with the previous application DC/14/88590) the proposal is unlikely to have any adverse affects on bat species provided it does not impact on the mature Ash Tree in the rear garden (which as above is not the case).
- 6.61 Given the above, it was concluded that the location and scale of the development would not result in adverse impacts or harm to bats, bat roosts or the natural environment.
- 6.62 The application was originally set to be heard at the Committee meeting on 5 November 2015. However, on 4 November 2015 (on day before the meeting) Officers were advised that residents had undertaken their own bat survey of rear gardens between Eliot Park and Walerand Road which showed an active bat population foraging across the area including the garden of No. 3A. This resulted in the application being withdrawn from the 5 November 2015 Committee.
- 6.63 Officers have since requested a copy of the survey from residents in writing on three occasions but residents have not been forthcoming with this information and the alleged presence of bats on site has not been supported.
- 6.64 Despite this, to ensure a timely resolution to this issue (and despite not meeting the relevant trigger requirements), in January 2016 the Applicant engaged ASG Ecology to undertake a bat survey of the subject site (including a site visit) to determine if the one tree proposed for removal was of a quality to support bats and to determine the overall foraging potential of the site for bats.
- 6.65 Consistent with the advice of Council's Ecological Regeneration Manager, the Bat Survey Report found that the one tree to be removed had a negligible potential to support roosting bats. The report also found that the site characteristics are relatively poor for foraging bats and more suitable habitat for foraging and commuting bats is located to the northeast of the site (e.g. Blackheath and Greenwich Park). The potential for foraging and commuting bats in the rear garden of the property was therefore found to be low to moderate and it was concluded that there are no constraints to construction of the proposal resulting from the presence or potential presence of bats. Notwithstanding this, to ensure that excessive light does not cause disturbance to foraging or commuting bats in the rear garden, the report made some precautionary recommendations, such as:

- where possible, limiting lamps to a maximum power of 2000 lumens (150w);
- installation of movement sensors to limit the amount of time that areas adjacent to the building are illuminated each night;
- ensuring no construction works that require high levels of illumination are undertaken outside day time hours;
- ensuring lights are aimed to illuminate only the area immediately required;
- minimising light spill by avoiding upwards pointing light fixtures where possible, and limiting the spread of light on or below the horizontal plane (e.g. by using hoods or cowls to restrict the area to be lit); and
- using plant species such as honeysuckle *Lonicera periclymenum* as part of the redevelopment of the site to help attract insects to the garden as a food source for bats.

6.66 Officers note these recommendations and welcome the intention to carry out the development in accordance with these as a precautionary measure. However, given that bats have not been found to be present on the site, these recommendations do not meet the necessary tests to be included as a condition on any planning permission as they are not necessary to make the development acceptable.

6.67 Concern was also raised that amended plans were provided to Council after the formal consultation period without reconsultation of residents. However, the revised plans removed elements of the original scheme (e.g. the summerhouse in the rear garden) and sought to fix minor errors on the plans (e.g. the omission of doors on the floor plans that were shown on the original elevations). As such, reconsultation was considered unnecessary albeit that the plans were made publically available. Officers advised residents that it would continue to accept submissions on the scheme until the date of determination.

7.0 Local Finance Considerations

7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), 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).

7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.

7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

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; and
- (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 In this matter there is no impact on equality.

9.0 Conclusion

9.1 This application has been considered in the light of policies set out in the development plan and other material considerations.

9.2 The sub-division of the lower maisonette is considered to be acceptable in principle.

9.3 Council officer’s acknowledge that while the size of the proposed extension is substantial, the design is of a high quality. The proposed extension would be smaller and less bulky than the original building, subservient to the host dwelling and built using complementary materials in accordance with DM Policy 31.

9.4 Further, for the reasons outlined in this report Council officers are satisfied that the reasons for refusal of the previous application (DC 14/88590) have been addressed by the revised scheme such that the proposed extension would not cause harm to the special characteristics of the Blackheath Conservation Area and is in accordance with DM Policy 36.

9.5 Finally, the proposal would provide an acceptable standard of residential accommodation for future occupiers and would not result in an unreasonable impact to the amenity of neighbouring occupiers.

9.6 As such, the proposal is recommended for approval, subject to conditions.

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.

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:

Design and Access Statement, Heritage Statement, Existing Floor Plans (received 7th April 2015); Proposed Elevations (received 30th September 2015); Proposed Floor Plans (received 1st October 2015); Location Plan (received 11th January 2016) and Bat Survey Report (received 13th January 2016).

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. a) The development shall be constructed using those materials specified, namely yellow stock brick, timber sliding sash windows, black coated aluminium conservatory doors and in accordance with the Design and Access Statement and Proposed Elevations (received 30th September 2015).
- b) The scheme shall be carried out in full accordance with those details, as approved.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

4. a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.
- b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order to ensure that adequate provision for recycling facilities and refuse storage is made in the interest of safeguarding the amenities of neighbouring occupiers and the area in general to comply with DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014). In order to ensure that the citing, design and appearance of recycling facilities and refuse storage is appropriate and includes consideration of screening, landscaping and vegetation to minimise any visual impacts to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 36 New development, changes of use and alterations affecting designated heritage items and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

5. a) A minimum of 5 secure and dry cycle parking spaces shall be provided within the development.

- b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained 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) and in order to ensure that the citing, design and appearance of cycle parking facilities is appropriate and includes consideration of screening, landscaping and vegetation to minimise any visual impacts to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 36 New development, changes of use and alterations affecting designated heritage items and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

6. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed 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 Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).