

Committee	PLANNING COMMITTEE C	
Report Title	UNIT AT THE REAR OF 7, MUIRKIRK ROAD, LONDON, SE6 1BE	
Ward	CATFORD SOUTH	
Contributors	JOSHUA OGUNLEYE	
Class	PART 1	19 th May 2016

Reg. Nos. DC/16/95276

Application dated 25.01.2016

Applicant Mrs C Tyler

Proposal The construction of a gable end mansard roof with two Velux rooflights, one to the front roofslope and one to the rear, to the Unit at the rear of 7 Muirkirk Road, SE6, together with the replacement of the front doors with casement windows and rendered blockwork.

Applicant's Plan Nos. 1411/00-A; 1411/BP-A; 1411/OS-A; Planning Statement Received 26th January 2016

1411/30-A; 141131-A Received 7th March 2016

Background Papers (1) Case File LE/753/7/TP
(2) Local Development Framework Documents
(3) London Plan

Designation N/A

Screening N/A

1.0 Property/Site Description

- 1.1 The application site lies within a gated mews to the rear of 7 Muirkirk Road. The mews is only accessible from the west entrance of Braidwood Road on the north side of the road. The mews is comprised two rows of four buildings. The subject property is part of a row of single storey storage garages on the west side of the mews. The single storey properties directly look onto a row of two storey properties on the east side of the mews. These buildings are used for a variety of functions including residential, storage and craft workshop purposes. At the far end of the mews is a single storey vehicle mechanic's garage. The site does not fall within a designated employment area though there are some light industrial premises used for storage and craft work by local businesses.
- 1.2 The subject property referred to as Rear of (r/o) 7 Muirkirk road is a single storey structure used for storage (Use Class B8) purposes; it is accessed from Braidwood Road. At present, the property has a flat felt roof with black painted steel double doors, and concrete walls. The road leading to the mews is within a predominately-residential area. The application site was been separated from 7, Muirkirk Road some time ago and now forms a seprate planning unit.

- 1.3 The immediate surrounding area includes Braidwood Road to the south, Muirkirk Road to the west and Killearn Road to the north, which are predominantly residential in character, and are comprised of 2-storey terraced residential properties. The residential dwellings at numbers 5 & 7 Muirkirk Road adjoin the development site and have shallow rear gardens that measure only 4 metres deep beyond the original two storey additions.
- 1.4 The property is not within a Conservation Area, not subject to an Article 4 Direction nor within the vicinity of a listed building.

2.0 Relevant Planning History

The Site

- 2.1 **DC/11/78967/FT:** The change of use of the garage at the rear of 7 Muirkirk Road SE6, to offices (Use Class B1), together with alteration to the front elevation. **Granted and implemented**
- 2.2 **DC/14/88297:** The demolition of the existing building at the r/o 5 & 7 Muirkirk Road SE6 and the construction of a two storey building to provide storage (B8) with ancillary office to be used in connection with the existing storage building at 7 Muirkirk Road SE6. **Granted by appeal for non-determination, but not yet implemented. The appeal proposal comprised of two alternative schemes, (i) a two-storey building and (ii) a single storey building of 1.2m less height. Scheme (ii) was approved due to the Council's height concerns.**
- 2.3 **DC/15/094026:** An application for a non material amendment in connection with the planning permission granted on appeal by the Secretary of State on the 7 September 2015 (APP/C5690/W/15/3010119) for the demolition of storage building rear of Muirkirk Road; construction of a single storey office/storage building rear of 5 Muirkirk Road, combining the new building with the existing storage building rear of 7 Muirkirk Road, on land at the rear of 5 & 7 Muirkirk Road, Catford, London to add a gable end mansard roof with two roof lights to the single storey building at the rear of 7 Muirkirk Road, together with the replacement of the steel doors with casement windows and rendered blockwork to the front elevation. **Refused, as the proposed alterations were considered to represent a material amendment to the approved scheme and therefore require the benefit of further planning permission.**

Adjoining site

- 2.4 **DC/13/84684:** Prior Approval for the change of use of the office at the rear of 7 Muirkirk Road SE6, from offices (Use Class B1) to residential (Use Class C3) pursuant to Class J of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). **No Approval required and has been implemented. (Property not owned by the applicant)**

3.0 Current Planning Application

- 3.1 The application proposes the replacement of the existing flat roof with a gable end mansard roof on the unit at the rear of 7 Muirkirk Road. The height of the roof would increase by 1.5m so that the total height of the building would be 4m involving the increase in both the flank walls with rendered block work to match the existing. The mansard would span the entire width (4.45m) and depth (6.85m) of the unit and

would slope upwards at an angle to the front and the rear elevations. The sloped part of the new roof would be constructed in slate tiles and the flat roof in asphalt.

- 3.2 The application also includes the insertion of two Velux rooflights into the roof extension, one to the front roofslope and one to the rear. They would measure 90cm wide by 1.15m high and be inserted flush to the roofslope. Additionally the door to the front (east) elevation of the property would be moved to the side (north) elevation. The door would provide access to the property in the event of the unit at the r/o 5 & 7 Muirkirk Road not being built. Providing the unit at r/o 5 & 7 Muirkirk is built, the side door on r/o 7 Muirkirk would become an internal door accessed only from the unit at r/o 5 & 7 Muirkirk once completed. A casement window would be installed into the space occupied by the existing door with the rest of the opening infilled by rendered blockwork to match the existing.
- 3.3 The proposed alterations are for a property being used for commercial storage and office use (B8).

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 was displayed in the mews and letters were sent to 14 adjoining residents and the Catford South Ward Councillors

Written Responses received from Local Residents and Organisations

- 4.3 Three objections were received from neighbouring properties at :
11 Muirkirk Road, 9 Braidwood Road and 12 Braidwood Road regarding the following matters:
- The site has a two-year planning history and the previous application (DC/15/094026), which was refused, is similar to the current one.
 - Section 70(8) of the Town and Country Planning Act 1990 (as amended) allows Local Planning Authorities to decline to determine 'similar' applications if lodged within two years, which this has been, and if there has been no significant change in planning policy.
 - In the Inspector's appeal decision for the first application for this site (DC/14/88297) he stated that "a two storey building would be somewhat incongruous" and was concerned about the effect on the living conditions for neighbouring occupiers in terms of outlook.
 - The structure would appear more like a residence than a storage unit for business use.
 - The business use does not appear to be listed for council tax by the VOA and is listed as a garage in an alleyway by the Land Registry, which results in confusion between properties to the rear of 7 Muirkirk Road.
 - No amendments should be allowed or are required to the original planning permission and therefore planning permission should be refused.

5.0 Policy Context

Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 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), the Development Management Local Plan (adopted November 2014) and policies in the London Plan (March 2015). 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.

5.4 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)'.

5.5 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

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

The London Plan (March 2015 incorporating March 2016 Minor Alterations)

5.7 On 10 March 2015, the London Plan (consolidated with alterations since 2011) was adopted. This has since been updated with minor alterations in March 2016 the relevant

- Policy 7.4 Local character
- Policy 7.6 Architecture

Core Strategy

- 5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together 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:

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

- 5.9 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:

DM Policy 1 Presumption in favour of sustainable development
DM Policy 30 Urban design and local character
DM Policy 31 Alterations/extensions to existing buildings

6.0 Planning Considerations

Principle

- 6.1 The principle of the proposal depends on the proposed use remaining as commercial. The proposed development is an extension of this use. The relevant planning considerations are the impact of the proposal's design on the character and appearance of the store building, the surrounding area and on the amenities of neighbouring properties.
- 6.2 Whilst Officers note that the proposal for this application is similar to the previous application (ref. DC/15/094026), this application is for full planning permission as opposed to a non-material amendment, which was refused as the changes to the original planning permission granted by appeal (APP/C5690/W/15/3010119) were considered to be material. As such, the LPA cannot decline to determine the current application.

Design

- 6.3 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.
- 6.4 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. 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)’.

- 6.5 DM Policy 30 supports the Core Strategy as it sets out detailed principles to support good urban design in the borough and 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.
- 6.6 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. It further states that replacement windows where controllable by the Council should closely match the pattern of the original windows. The repair of original windows will be encouraged.
- 6.7 DM Policy 33 relates to backland and infill development and states if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape, and is sensitive to the setting of heritage assets. This includes the spaces between buildings, which may be as important as the character of the buildings themselves, and the size and proportions of adjacent buildings... no significant loss of privacy, amenity, and no loss of security for adjoining houses and rear gardens and appropriate amenity space.
- 6.8 The new mansard roof would be constructed in slate tiles that would enhance the appearance of the existing roof and integrate it with those on the surrounding properties. The use of asphalt is considered acceptable given that the flat, top part of the roof would not be visible from ground floor level. This alteration would match the designs that have been approved by the Planning Inspectorate on the roof of r/o 5 & 7 Muirkirk Road.
- 6.9 There are varieties of roof forms in the local area including, flat roofs on flats in the mews, shallow and part pitched roofs on properties on Muirkirk Road, and hip to gables on properties on Braidwood Road. The mansard roof would involve an increase in the height of the property’s existing roof. The scale of increase being proposed for the roof would not result in significant detracting from the area. The proposed mansard roof would be lower than surrounding properties as such would still be subservient. Furthermore, it would be set back from the Braidwood Road frontage. Officers note the decision of the Planning Inspectorate regarding the rear of 5 & 7 Muirkirk Road (ref. DC/14/88297), which was to approve a single storey building with a mansard roof. As such, this is a material consideration in the determination of this application.
- 6.10 The Inspector stated that “*the single storey building at 4m would [have] eaves [that] would line in with the roof of the existing building to be retained at the rear of no. 7. Above this height, the pitch of the roof would slope away from the boundaries from*

no. 5 and the properties in the mews". Both these statements are true of the current application next door at no. 7 and are material to the assessment of this application.

- 6.11 It is considered that a uniform roof form to the unit rear of 5 & 7 Muirkirk Road would improve the architectural appearance of the mews. As the building would not be immediately visible from Muirkirk Road, and it would be of limited visibility from Braidwood Road as it is set back from the main road and screened by other garages closer to Braidwood Road, it is considered that the proposal would have limited impact on the character of the area.
- 6.12 The proposed insertion of a uPVC casement window would replace a steel double door and since this is consistent with others in the surrounding area, it is considered acceptable. Officers support the use of rendered blockwork to infill the rest of the opening.
- 6.13 The proposed uPVC side door would be in a style matching other properties in the mews. The proposed side door would become an internal door upon the completion of the development at rear of 5&7 Muirkirk Road. The use of a uPVC door on the building can be supported and is considered acceptable.
- 6.14 Therefore, given the presence of permission for the adjacent site with similar design, this proposal is considered acceptable and it would not have significant detrimental effects on the character and appearance of the local area.

Residential Amenity

- 6.15 Core Strategy Policy 15 for Areas of Stability and Managed Change states that any adverse impact from small household extensions on neighbouring amenity will need to be addressed.
- 6.16 DM Policy 31 states that alterations to existing buildings should not result in significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.17 The proposed roof lights insertion on the front and rear slope of the mansard roof would not result in loss of privacy to the garage at r/o 7 Muirkirk Road which is a residential property. The distance between the floor level and the rooflight is 2.8 meters, too great to allow any significant overlooking. Consideration of potential impacts on amenities of surrounding occupiers is considered in turn below.

Garage at rear of 7 Muirkirk Road (east of the development site)

- The proposed roof lights would not permit overlooking into this property due to the distance between ground level and roof level and the angle of the rooflights. The proposed ground floor windows would not permit any significant overlooking, given the commercial nature of the proposal, the front-to-front relationship of the properties and the existing compact form of development which is characteristic of the mews.
- The new roof level would not cause significant overshadowing on the neighbouring property due to its easterly location.
- Any sense of enclosure from the raised roof would be minimal, as the new roof form would be sloped away from its original eaves.

7 Muirkirk Road (west of the development site)

- The proposed roof lights would not permit overlooking into this property due to the distance between ground level and roof level internally. There is no window on the rear elevation of the subject property at ground level and therefore no issue of overlooking arising.
- The new roof level would not be high enough to cause significant overshadowing on the neighbouring property.
- Any sense of enclosure resulting from the raised roof would be minimal, as the new roof would be sloped from its original eaves.

Unit rear of 9 Muirkirk Road (south of the development site)

- As the neighbouring property is used for storage and not habitation, It is not necessary to consider impact on amenities.

Unit rear 5 Muirkirk Road (north of the development site)

- The proposed roof height would match this neighbouring property's height (as approved on appeal) and, as such, no significant impact on amenities is expected.

6.18 It is noted that the increased roof height could lead to a minimal increase in overshadowing on surrounding properties. The proposed sloped roof on the front and rear elevations of the mansard would lessen overshadowing to such an extent that would not warrant refusal of this application. Residential properties on Muirkirk Road will not be significantly impacted as they are situated east of the application site and the increased height and shape of the roof will minimise the potential impact. Minimal impact would occur to the properties adjoined to the north of r/o 7 Muirkirk Road as they are not in regular use and are predominantly used as storage.

6.19 In light of the above, the proposed development is considered to be acceptable with regards to neighbouring amenity.

7.0 Equalities Considerations

7.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
- (c) Foster good relations between people who share a protected characteristic and persons who do not share it.

7.3 The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

7.4 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

8.0 Conclusion

8.1 The particular circumstances of the application have been considered against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) London Plan (March 2016) and the National Planning Policy Framework (2012).

8.2 It is considered that this particular proposal represents an acceptable development as its scale, design and materials are appropriate to the subject building and it would not have an unacceptable impact on the amenities of the neighbouring occupiers.

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

RECOMMENDATION: GRANT PLANNING 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:

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1411/30-A; 141131-A Received 7th March 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 external materials to be used in the construction of the building shall be as specified on the application form.
(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 No deliveries in connection with construction works shall be taken at or

despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 5 Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no mezzanine floor shall be constructed within the building without the prior written consent of the local planning authority.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

Informatives

- A. **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.