

Committee	PLANNING COMMITTEE C	
Report Title	43 Greenland Mews, SE8 5JW	
Ward	Evelyn	
Contributors	Simon Vivers / Maeve Wylie	
Class	PART 1	3 May 2016

<u>Reg. Nos.</u>	DC/16/095640
<u>Application dated</u>	24/02/16
<u>Applicant</u>	Raziel Holdings Limited
<u>Proposal</u>	The construction of a second floor extension at 43 Greenland Mews SE8.
<u>Applicant's Plan Nos.</u>	2597/P/112 Rev E, 2597/P/101 Rev A, 2597/P/102 Rev A, 2597/P/111 Rev D, 2597/P/114 Rev A, 2597/P/115 Rev B, 2597/PH/01, Design & Access Statement
<u>Background Papers</u>	(1) Case File DE/460/43/TP (2) Core Strategy (Adopted June 2011) and Development Management Local Plan (adopted November 2014)
<u>Designation</u>	Area of Archaeological Priority PTAL 1b Flood Risk Zone 2 Flood Risk Zone 3 London Underground Zone Not in a Conservation Area Not a Listed Building Unclassified

## **1.0 Property/Site Description**

- 1.1 No.43 is a two storey double-fronted terraced dwelling house located within Greenland Mews, a gated development off Trundleys Road. The property is located on the west side of the access road in a long east facing terrace of 26 houses, most of which are three storeys in height, are constructed with yellow brick and have an integral garage. 43 Greenland Mews is finished in red brick and matches two other properties on this side of the mews with a different design (lower height, red brick and different form) which are interspersed between the larger 3 storey house type.
- 1.2 The property formerly featured an integral garage at ground floor level which has been converted for use as a living room. There is a bedroom at ground floor level and at first floor level there is an open plan kitchen/living/dining room, a toilet, ensuite bedroom and terrace.
- 1.3 The site is located in an Area of Archaeological Priority, is not located in a Conservation Area and is not a listed building. The Overground railway line

runs to the rear and most of the properties on this side of Greenland Mews are single aspect.

## **2.0 Planning History**

2.1 DC/13/83636 – Conversion of garage into living space together with alterations to the front elevation. This application was refused because the large infill window proposed to replace the garage door was considered unacceptable in design terms.

2.2 DC/13/84369 - The applicant subsequently reapplied with an amended window design which matched those existing on the property. Permission was granted.

2.3 DC/14/86820 – Permission was refused for the construction of an extension at first floor level to the front and an additional floor at second floor level at 43 Greenland Mews SE8 to provide additional living space on the grounds that an additional storey would cause harm to the architectural integrity of the terrace as a whole.

2.4 An appeal against this decision was dismissed on the 5<sup>th</sup> September 2014. The Inspector found that the proposal, “By itself... would be materially harmful to the appearance of the street scene, the group of buildings and therefore the character of the mews”. In addition, it was found that “given the repetitive form of the properties it would be difficult to resist similar proposals and if this were allowed this would further significantly harm the character and appearance of the area.”

2.5 DC/14/89210 – Permission was refused for the construction of a second floor extension at 43 Greenland Mews SE8 to provide additional living space. The reason for refusal was also on the grounds that the additional storey would cause material harm to the architectural integrity of the terrace and due to the poor standard of the proposed accommodation in terms of inadequate floorspace, amenity space and ceiling heights.

2.6 DC/15/93752 – The construction of a second floor extension at 43 Greenland Mews SE8 to provide additional living space – withdrawn by agent.

2.7 PRE/16/002183 – Preapplication advice regarding the construction of a second floor roof extension incorporating a terrace. The following advice was offered:

- Previous applications were refused on the basis of design.
- The principle of constructing a second floor roof extension and terrace resulting in an additional second storey is acceptable subject to the detailing of the front elevation. The massing of the front elevation should be broken up in order to provide further articulation and to replicate the properties of the existing dwellings within the mews.

## **3.0 Current Planning Application**

- 3.1 The application seeks planning permission to construct an additional storey at second floor level. It would be finished in vertical slate facing to the front elevation, and would have a red brick section above the existing bay to form an enclosed terrace. The rear elevation would be constructed of brickwork to match existing. The height of the extended building would be set down from the height of the adjoining properties on either side by 430mm. The roof material is shown to be concrete tiles to match the existing roof and those of adjacent properties.
- 3.2 The proposal would result in what was originally a two bedroom property being enlarged to a three bedroom (plus study) property.

#### **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 Adjoining occupiers, Evelyn Ward Councillors and Rail for London were consulted as part of the application.

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

- 4.3 Nine objections were received from residents within Greenland Mews. Grounds of objection are summarised as follows:

##### *Design*

- The proposal would represent overdevelopment and would destroy (and contrast with) the architectural integrity and character of the Mews;
- No other dwelling of the same design has a second storey.
- The proposal would result in four bedroom property from what was originally a one bedroom property, and has inadequate parking provision and external amenity space

##### *Amenity*

- The proposal would result in a multiple occupancy residence, and not a single dwelling.
- The property was only designed as a one bedroom house, increasing the occupancy puts a burden on the mews which was never designed for ever increasing occupancy;
- General cumulative erosion of the current quite amenity of the Mews through additional HMO style development
- The proposal would result in a loss of daylight to the property opposite the site. A daylight/sunlight assessment has not been submitted.
- The additional storey plus terrace would result in a loss of privacy to nearby residents;
- Noise disturbance and traffic and safety conflicts during construction.
- Construction process will result in damage to our property and will require the removal of tiles. No mention has been made in the documents of insurances against damage or compensation;

- How will construction vehicles deliver materials? This will cause blockage to the mews and mean that there is no access for emergency vehicles. The newly laid brickwork of the private road will be damaged;
- Excess rubbish from the site and inadequate storage provision

#### *General/Other Matters*

- Frustration in having to respond multiple times to very similar applications.
- Proposal is not substantially improved compared to previous applications;
- Lawfulness over current HMO use of the site
- Structural integrity of the site may not support an additional storey
- Similarity to 13 Greenland Mews, which is used as a HMO.
- A condition should restrict number of occupants to four people.
- A Site Notice was not displayed

#### Written response received from Rail for London

4.4 Concerns are raised regarding the proximity of the site to the East London Line, in particular in respect of the proposed underpinning works to the existing foundations, and the temporary works for the scheme. Conditions are therefore sought to secure details of scaffolding and the design and construction methodology for the foundations.

## **5.0 Policy Context**

### Introduction

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)

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

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)'.

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.

#### London Plan (March 2016)

On the 15<sup>th</sup> March 2015, the London Plan (consolidated with alterations since 2011) was adopted. However, on the 14<sup>th</sup> March 2016, the London Plan was updated to include the Housing Standards and Parking Standards Minor Alterations to the London Plan. The London Plan policies relevant to this application are:

Policy 7.4	Local character
Policy 7.6	Architecture
Policy 7.8	Heritage assets and archeology

#### Core Strategy

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 8	Sustainable design and construction and energy efficiency
Core Strategy Policy 15	High quality design for Lewisham

#### Development Management Local Plan

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:

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
DM Policy 31	Alterations/extensions to existing buildings

Residential Standards Supplementary Planning Document (August 2006, updated 2012)

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 planning considerations for this application are:
- a) design and scale and its impact on the host building and the character and setting of neighbouring buildings;
  - b) impact that the proposal has on the amenity of adjoining occupiers; and
  - c) standard of accommodation

### Design & Scale

- 6.2 Greenland Mews has its own distinct character which was designed as a whole with a variety of different house types, intended to complement each other. The subject property is located within a long terrace of 26 properties on the west side of the Mews. Much of this terrace is of a very uniform design, consisting of three storey terraced properties constructed of yellow brick, a repetitive fenestration pattern and a balcony providing amenity space at second floor level.
- 6.3 The subject property is one of three, two-storey red brick properties set back slightly from the main terrace and which are wider, being double-fronted. This helps to punctuate the otherwise three storey yellow brick frontage. The arrangement of this terrace has been designed so that it is articulated every three properties with either a gable feature to the front elevation or a red brick two storey, double-fronted property. The subject property therefore acts as a marker in the terrace, breaking its uniformity and adding interest to what would otherwise be a row of 26 homogenous properties.
- 6.4 It is noted that the site has a long planning history, with previous applications refused for similar developments. The design of the proposal has progressed through the successive applications, and differs from earlier proposals through the reduction in the ridge height of the additional storey so that it is set below that of its neighbours and a revised front elevation treatment. In particular, the design demonstrates a reduction in the extent of brickwork to the front elevation and maintains a defined front projection providing greater articulation and a general reduction in massing of the front of the property. The extension will maintain the existing front and rear building lines of the

property. The front elevation of the extension would be predominately tiled facing, which would appear as a more lightweight and less visually dominant material, allowing the extension to be read as a subservient addition to the original brick property.

- 6.5 Through the appropriate use of materials, proportional increases in massing and set down from the ridgeline of adjacent properties, on balance it is considered that the proposal would adequately preserve the punctuation and break up of the run of taller three storey properties within the western side of the mews, and not result in any unreasonable terracing effect or harm to the integrity of the group. As such, the previous design concerns have been overcome and the proposal is not considered to cause any unreasonable harm to the character and setting of the site and neighbouring properties.

#### Standard of Residential Accommodation

- 6.6 Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing developments to be of the highest quality internally, externally and in relation to their context. This policy sets out the minimum floor space standards for new houses relative to the number of occupants and taking into account commonly required furniture and spaces needed for differing activities and circulation, in line with Lifetime Home Standards. Core Strategy Policy 1, Development Local Plan Policy 32, London Plan Policy 3.5 and the London Plan Housing SPG seek to ensure that all new residential development meets minimum size standards.
- 6.7 Nationally prescribed space standards were released in March 2015 to replace the existing different space standards used by local authorities. It is not a building regulation and remains solely within the planning system as a new form of technical planning standard.
- 6.8 The national housing standards are roughly in compliance with the space standards of the London Plan. However there are differences in the spacing of individual rooms as well as floor to ceiling heights. In the instance of conflict, the national housing standards take precedent.
- 6.9 The three bedrooms would range in area from 8.0m<sup>2</sup> to 12.00m<sup>2</sup> (the study is 11.1m<sup>2</sup>). Under the technical housing standards, one bedroom would be sufficient for double size, and the remaining two bedrooms and study would be single room size due to their room width not exceeding 2.55m. The standards require that the main double room has a minimum width of 2.75m (and every other double room 2.55m wide). The double room is existing and therefore the minor non compliance in terms of room width is considered acceptable. Rooms created as part of the application would also be acceptable in terms of their head height, with the floor to ceiling height being 2.5m for the bulk of the floor.
- 6.10 The proposal would preserve the existing roof terrace at first floor level, and also establish a terrace at second floor level. The new terrace would have a depth of 1.5m and an area of 3.4m<sup>2</sup>. As such, this is considered to be acceptable for what is a secondary amenity space for the property, and of value given the fact that the property has a single aspect. Overall the

proposal as a whole would result in a dwelling which has an acceptable standard of accommodation.

- 6.11 Grounds of objection include concern that the property would be used as a House in Multiple Occupation (HMO). Officers consider that the layout of the property (3-4 bedroom, 3 bathroom and with an open plan living and kitchen area) is acceptable for a dwelling. It is noted that the property could be used as a HMO for up to six people without the need for planning permission. As the scheme is considered acceptable, this is not considered a material planning consideration.

#### Residential Amenity

- 6.12 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.
- 6.13 DM Policy 30 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.
- 6.14 The proposal would not be expected to have a significant adverse impact on the amenity of neighbouring residents in terms of loss of light, privacy or noise generation on account of its scale and position. Therefore the proposed works are consistent with Core Strategy Policy 15 and DM Policy 31.

### **7.0 Equalities Considerations**

- 7.1 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.
- 7.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 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.

### **8.0 Conclusion**

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

8.2 In summary, on balance the proposed works are considered to be appropriate in its scale, form and materials and to preserve the character and appearance of the dwelling in accordance with DM policies 1, 30, 31 and Core Strategy Policies 8, 15

**9.0 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. Prior to the commencement of development, plans for any proposed scaffolding shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Rail for London.

**Reason:** To protect the safe and efficient operation of the railway.

3. Prior to the commencement of development, full details of the design and construction methodology for the foundations shall be submitted to and approved in writing by the Local Planning Authority in consultation with Rail for London. Thereafter, the works shall only be carried out in accordance with the approved details in a manner that does not endanger the safe operation of the railway

**Reason:** To protect the safe and efficient operation of the railway.

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

2597/P/112 Rev E, 2597/P/101 Rev A, 2597/P/102 Rev A, 2597/P/111 Rev D, 2597/P/114 Rev A, 2597/P/115 Rev B, 2597/PH/01, Design & Access Statement

**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.