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| Committee    | PLANNING COMMITTEE B  |                                      |
| Report Title | 9 Seymour Gardens SE4 |                                      |
| Ward         | Telegraph Hill        |                                      |
| Contributors | Maeve Wylie           |                                      |
| Class        | PART 1                | Date: 8 <sup>th</sup> September 2016 |

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|------------------------------|--|
| <u>Reg. Nos.</u>             | DC/16/097042   |
| <u>Application dated</u>     | 11.06.16   |
| <u>Applicant</u>             | Mrs Vollrath   |
| <u>Proposal</u>              | The construction of a two storey side extension and a single storey outbuilding in the rear garden of 9 Seymour Gardens, SE4.  |
| <u>Applicant's Plan Nos.</u> | IV 1001 Existing Plans; IV 1002 Existing Elevations and section; IV 2001 Proposed Plans; IV 2002 Proposed elevations and section; IV 2003 Site plan/extension and summerhouse section; IV 1000 Location/ block plans |
| <u>Background Papers</u>     | (1) Case File DE/109/A/TP<br>(2) Local Development Framework Documents<br>(3) The London Plan  |
| <u>Designation</u>           | None   |

## **1.0 Property/Site Description**

- 1.1 The site proposed for development is 9 Seymour Gardens, London, SE4.
- 1.2 A two-storey end of terrace building of relatively modern construction (c.1990's) is located on the plot. The property is located in a cul-de-sac which is situated to the east of Avignon Road. The rail line between Nunhead and Crofton Park/Lewisham runs to the north of the development.
- 1.3 The property is part of a wider development which consists of a combination of two storey terraced properties and 4 storey blocks of flats. The host property is an end of terrace with adjoining single storey garage to the side.
- 1.4 The site is not located within a Conservation Area, but is near to the Telegraph Hill Conservation Area.
- 1.5 The site is not within the vicinity of any Listed Buildings or subject to an Article 4 Direction.

## **2.0 Planning History**

2.1 None

## **3.0 Current Planning Application**

### *Side extension*

- 3.1 The proposal involves the construction of a modern two-storey side extension for the existing two-storey end of terrace building at 9 Seymour gardens which would incorporate removing the garage. There is also a single storey outbuilding proposed to the rear.
- 3.2 The proposed two-storey side extension is to be constructed joining the property boundary with No 8 Seymour Gardens from the west flank elevation of the existing dwellinghouse. The extension is to be setback 0.9m from the front elevation of the dwellinghouse and would have a depth of 6.9m at both ground and first floor. To the rear the two storey side extension would be set back 0.25m from the rear building line.
- 3.3 The side extension would be set down 0.9m from the existing ridgeline with a total height of 6.9m and a pitched roof at a shallower slope than existing. The extension would have a width of 3.3m.
- 3.4 The materials are stated to be brown concrete pantile, red brick and double glazed uPVC all to match existing.

### *Outbuilding*

- 3.5 In addition to the construction of the extension, a summerhouse is also proposed to be constructed in the rear garden.
- 3.6 The outbuilding would be 9.15m wide and 2.5m deep. The outbuilding would be 2.9m tall at its highest point with a mono pitch roof sloping down to 2.7m at the rear. There would only be windows placed on the front elevation and there would be a sedum green roof.

## **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 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. The Council's Licensing team were also consulted.

### Written Responses received from Local Residents and Organisations

- 4.3 20 neighbours were consulted and Telegraph Hill Ward Councillors. 11 responses were received, 3 in support and 8 objections.
- 4.4 The points raised in the support letters included:
- Proposal would fit into the surrounding area

- Matches No.29 Seymour Gardens

#### 4.5 The points raised in the objections included:

- Property seems to be operating a childminding service with a high level of noise from children
- The extension will result in a larger number of children on site further increasing noise and creates traffic issues in the development
- The proposed development will affect the original charm and character of neighbouring properties.
- The proposed development will encroach upon neighbouring privacy as the proposed summerhouse in the back garden will have bay windows which will allow looking directly into neighbouring common room.
- The summerhouse is completely disproportionate
- The proposed two storey building is actually going to be larger than the current garage which is against Seymour Garden master plan and will set a precedent in the street.
- Neighbouring property will no longer feel semi-detached
- The summerhouse is overdevelopment of the site

## 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 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).

5.3 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

- 5.4 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)'.
- 5.5 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

## London Plan (July 2015)

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

Policy 7.4 Local Character

Policy 7.6 Architecture

## Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:-

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

## Development Management Local Plan

- 5.5 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

Residential Standards Supplementary Planning Document (August 2006)

- 5.8 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.
- 5.9 Paragraph 6.2 (Rear extensions) states that when considering applications for extensions the Council will look at these main issues:
- How the extension relates to the house;
  - The effect on the character of the area - the street scene and the wider area;
  - The physical impact on the host building, and the amenity of occupiers of neighbouring properties;
  - A suitably sized garden should be maintained.
- 5.10 Paragraph 6.3 (Materials) states that bricks and roofing material used to construct an extension should match those in the original building. However, the use of modern materials is supported where appropriate.
- 5.11 Paragraph 6.4 (Bulk and size) states that extensions should be smaller and less bulky than the original building and reflect its form and shape. It states that traditionally, extensions to buildings are subsidiary to the main structure and that over-dominant extensions may destroy the architectural integrity of existing buildings.
- 5.12 Paragraph 6.5 (Side Extensions) states single-storey side extensions should be carefully designed having regard for the street scene of which they will be part. To ensure a side extension is subordinate to its host building extensions should be setback a minimum of 0.3m from the front elevation; larger setbacks may be required depending on the prominence of the building and streetscape.

## **6.0 Planning Considerations**

- 6.1 The key planning considerations are the design quality of the proposed extension and any potential impacts on adjoining properties.

### *Design Quality*

- 6.2 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 new development making positive contribution to local character and distinctiveness.

- 6.3 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.
- 6.4 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings.
- 6.5 DM Policy 31 states 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.
- 6.6 The proposed extension would be located at the end of a terrace row and would be visible from the street, particularly in view towards the site from the north.
- 6.7 In addition to the appearance and compatibility with the streetscene the Council Residential Standards SPD requires side extensions to be subordinate to the building to which they relate. When viewed from the street this is unlikely to be a concern, given that the extension would comprise a width of 3.3m at the front elevation. The existing garage has a width of 2.6m and the main dwelling house has a 6.5m width. As this property is part of a three property terrace, that has a large width, the extension would not be a dominant structure to the end of row.
- 6.8 The extension is seen to be a subservient structure and it would be setback appropriately from the main structure. When viewed from the street its height would remain below the ridge of the host building roof.
- 6.9 Officers note that a similar two storey extension has been constructed at 29 Seymour Gardens (DC/94/93548) which is located to the east of 9 Seymour Gardens. With that proposal the height of the extension is closer to that of the host dwelling making it less subordinate. From the site visit it could be seen that this proposal is sympathetic to the building form of the host property and the neighbouring properties. The two storey side extension in this case does not deter or cause a negative impact. It is therefore considered that the similar style development at 9 Seymour gardens would be acceptable and not give rise to harm to the character of the area.
- 6.10 The proposed outbuilding to the rear is considered to be of a suitable scale given the dimensions of the garden. Adequate space would still remain for the enjoyment of the residents after the outbuilding was constructed. The design, although not matching with the host property, would be of a modern concept as a converted container with external treatment and a sedum green roof. There would be sliding doors to the front only and no other elevation would have openings. The outbuilding is therefore considered acceptable.
- 6.11 The proposal is anticipated to have a negligible impact on the nearby Telegraph Hill Conservation Area. From this area the visual impact of the extension would be limited and its appearance partially obscured by natural contours intervening

development and vegetation. It has also been stated in the plans that the side extension would be constructed in materials to match existing.

- 6.12 The proposed development is of good design, compatible with the streetscene and would not have a negative impact on the adjoining Conservation Area. The proposed extension is considered to be subservient to the host building as it would be appropriately setback and set down and occupy a limited area of the site's frontage. The proposal is therefore recognised to be consistent with the requirements of Core Strategy 16 DM Policy 30, 31 and 36 from a design perspective.

#### *Amenity of neighbouring properties*

- 6.13 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.
- 6.14 DM Policy 31 states that residential development including extensions should result in no significant loss of privacy or amenity to adjoining houses and their back gardens.
- 6.15 The site proposed for development is at the western end of a terrace row. Given its location the proposed side extension would not adversely affect properties to the east of the site given the position of the host dwelling.
- 6.16 The property most likely to be subject to any impact from the proposal is No 8 Seymour Gardens. This property is a two storey building immediately west of the site. The proposed side extension would be 0.3m from No.8's garage, at its narrowest point, and 2.35 from the main dwelling house. The flank elevations of the No 8 and the proposed development at No. 9 include no window openings. The current proposal is deeper and higher than the existing garage but has an adequate setback from the front elevation. Given the distance between the two properties, the scale of development and no windows orientated toward the site the proposal is not anticipated to cause issues of overlooking or significant sense of enclosure that would adversely affect the amenity of this property.
- 6.17 The extent of any overshadowing caused by the addition is also anticipated to be minor. Overshadowing would be limited to the side of the house at No 8 and would only occur during morning hours. Given the set back, it is expected that the two-storey side extension would not create a material increase in overshadowing compared with that already present from the taller two storey main building. Solar access during afternoon hours to this and other adjoining properties would be unaffected. A majority of the property at No 8 and its large garden areas would be unaffected by overshadowing caused by the development and therefore the impact of the development in this respect is deemed to be minor.
- 6.18 The proposal would create an additional first floor window to the rear but officers consider that the amount of overlooking onto the neighbouring garden at 8 would be limited because the direct eyeline from this window would be looking onto the host properties own garden.
- 6.19 With the proposed rear garden outbuilding some neighbours have objected stating that it would impact on their privacy and it would create further overlooking. Officers

consider that given the 2.1m height of the windows and the existing 1.9m high fence there would be limited opportunity for overlooking from the building. Given its modest height there is not expected to be a significant increase in loss of light and overshadowing.

- 6.20 Most of the objections received paid particular attention to the nursery use within the house. The applicant stated that they are a registered child minder and only deal with eight children or less which they insists is within the legal requirements set out by Ofsted. It is considered that this use is ancillary to the main use of the property as a single family dwellinghouse. However, to ensure that this use is not intensified a condition will be placed on the decision to restrict the use of C3 (residential).
- 6.21 It is concluded that the impacts of the proposed development on the amenity of adjoining properties would be minor and not contrary to the requirements of DM Policy 31.

## **7.0 Community Infrastructure Levy**

- 7.1 The above development is not CIL liable.

## **8.0 Equalities Considerations**

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:



<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

8.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

8.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

8.7 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.

## **9.0 Conclusion**

9.1 The proposed side extension and rear garden outbuilding are considered to be of a high quality consistent with Council Policy. They are unlikely to result in any significant impacts on the amenity of adjoining properties. It is therefore recommended that planning permission be granted to the scheme.

## **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:

IV 1001 Existing Plans; IV 1002 Existing Elevations and section; IV 2001 Proposed Plans; IV 2002 Proposed elevations and section; IV 2003 Site plan/extension and summerhouse section; IV 1000 Location/ block plans

**Reason:** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

- 3) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

**Reason:** To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

- 4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the side extension and outbuilding hereby approved shall only be used for purposes ancillary to the residential use (C3) of the dwellinghouse known as **9 Seymour Gardens**.

**Reason:** The application has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to relevant Policies in the London Plan (2015), Core Strategy (2011) and Development Management Local Plan (2014).