

Committee	PLANNING COMMITTEE B	
Report Title	Flat D 213 Stanstead Road	
Ward	Crofton Park	
Contributors	Ann McCormick	
Class	PART 1	Date: 8 th September 2016

<u>Reg. Nos.</u>	DC/16/096309
<u>Application dated</u>	19.04.2016
<u>Applicant</u>	Gary Dwyer
<u>Proposal</u>	Construction of a dormer roof extension in the rear and side roof slope at Flat D, 213 Stanstead Road, SE23.
<u>Applicant's Plan Nos.</u>	706_213SR_X000, 706_213SR_X001, 706_213SR_X002, 706_213SR_X003, 706_213SR_X004, 706_213SR_D101, 706_213SR_D102, 706_213SR_D103, 706_213SR_D104, 706_213SR_D105, 706_213SR_D106
<u>Background Papers</u>	(1) Case File LE/67/213/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	PTAL 2
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The property is a two-storey semi-detached converted house located on Stanstead Road adjacent to junction with Kilmore Road and in close proximity to the junction with Cranston Road and Brockley Rise. The property is a large building comprising four self-contained units. The application relates to the one bedroom unit (Flat D) located at loft level.
- 1.2 The unit is part of a loft conversion with existing side and rear dormer extensions. The unit currently comprises an open plan living/dining and kitchen area facing the rear of the property, a bedroom facing the side of the property and the bathroom/shower room situated to the front.
- 1.3 The surrounding area is characterised by mainly residential dwellings, the majority of which are conversions.

2.0 Planning History

2.1 1959 – Permission was granted for construction of 3 garages to rear of nos. 213-215 Stanstead Road (Reference LE/67/213/TP).

1960 - Permission was granted for construction of 1 additional garage to the rear of 213-215 Stanstead Road (Reference LE/67/213/TP).

1998 – Permission (Reference 98/42814) was granted for the alterations to the front and rear elevations at 213 Stanstead Road SE23, together with the erection of a two storey rear extension and the change of use from offices to clinic on the ground floor and a two bedroom flat on the first floor.

1999 – Permission (Reference 99/4236 and 99/44409) was granted for alterations to the front, rear and side elevations at 213 Stanstead Road SE23 together with the erection of a two-storey rear extension, the use of the front part of the ground and first floor as offices, the alteration and conversion of the rear part of the ground and first floors to provide 2, two-bedroom self-contained flats.

2000 – Permission (Reference DC/99/45670/X) was granted for the retention of part of the ground and first floors of 213 Stanstead Road SE23 to provide a two-bedroom self-contained maisonette.

2004 – Permission (Reference DC/04/56536/X) was refused by the Council for the construction of an extension to the side and rear dormer of Flat D, 213 Stanstead Road, to provide additional living space. The applicant appealed the Council's decision (Appeal Reference APP/C5690/A/04/116719. The appeal was allowed by the Inspector (decision date 25/04/2005).

3.0 Current Planning Applications

3.1 The application represents the same scheme as submitted under DC/04/56536/X and seeks permission for the construction of an extension in the rear and side roof slope of Flat D, 213 Stanstead Road, SE23. The proposal will extend the rear roof by connecting the existing side and rear dormer to provide a larger living accommodation within the existing loft unit.

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 in the surrounding area and the relevant ward Councillors were consulted. The Council's Highways and Environmental Sustainability teams were also consulted.

4.3 One objection was received from Avery Associates representing the four co-freeholders of No. 211 Stanstead Road (Flats A, B, C and D). As such, this represents four objections.

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 The DCLG launched the National Planning Practice Guidance (NPPG) resource on the 6th March 2014. This replaced a number of planning practice documents.

London Plan (2015 as amended)

- 5.6 In March 2016 the London Plan (March 2015) was updated with minor amendments. The policies relevant to this application are:

Policy 3.5 Quality and design of housing developments
Policy 7.4 Local character

Core Strategy

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

Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

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

- 5.9 The following policies are considered to be relevant to this application:

DM Policy 30 Urban design and local character
DM Policy 31 Alterations/extensions to existing buildings
DM Policy 32 Housing design, layout and space standards

Residential Standards Supplementary Planning Document (updated 2012)

- 5.10 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self-containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

6.0 Planning Considerations

- 6.1 The main considerations for this application are: the design and impact of the proposed development on the character of the host building, impact on residential amenity and visual impact of the development on the wider area.

Design

- 6.2 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.3 The NPPF requires Local Planning Authorities to undertake a design critique for planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 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. The Councils Residential standards SPD provides officers with further detailed guidance to apply to such residential proposals.
- 6.5 The proposed development includes the construction of a roof extension linking both the existing rear and existing side dormers to provide additional living space within the existing loft.
- 6.6 The proposal will extend 2.5m along the rear roofslope and will extend 2.8m along the side roofslope. The extension will be constructed to meet the height of the existing rear and side dormers, which will be 2m along the side roofslope and 1.8m at the rear roofslope. The existing chimney stack will be retained, with the proposed extension situated behind this structure. In addition, internal reconfiguration will take place to provide a studio flat as opposed to a one-bedroom self-contained flat.
- 6.7 While the proposed second floor plan (dwg No 706_213SR_D102) outlines that the proposed studio flat will be 37.12sqm, it would appear that this includes the stairway. Officers have measured the proposed plans and have found the GIA to be 32.9sqm. The existing GIA as measured by Officers was found to be 28sqm, giving an increase of c. 5sqm of additional internal space as a result of the proposed roof extension.
- 6.8 The Council's Residential Standards Supplementary Planning Document (SPG) (May 2012) provides that 'rear roof extensions should be set back a minimum of one metre behind the lines of eaves and a minimum 500mm from the gable, flank or party wall boundary.' The proposed roof extension will be situated 500mm from the line of the eaves at the rear, and 700mm from the line of the eaves at the side of the property. While this is below the recommended set back of 1metre as outlined within

the Council's Residential Standards SPG, it is considered that the extension has an adequate set back as it will be constructed in line with the existing dormers and is therefore suitably designed.

- 6.9 Owing to the existing rear and side dormers, it is not considered that the proposal will adversely impact upon the architectural integrity of the host building nor is it considered to be incongruous in its design.
- 6.10 This was also the view taken by the Inspector in the 2004 Appeal (Reference APP/C5690/A/04/1167192) for the same proposal which stated that '...The architectural integrity of the roofscape of the appeal property has already been significantly compromised by the addition of sizeable flat roofed dormers to the side and rear. So, whilst I recognise that the proposed extension would wrap around the rear side ridge of the main roof, I do not believe that it would cause demonstrable visual harm.'
- 6.11 As such, it is considered that the design of the proposed extension complies with the provisions of DM Policy 31 'Alterations and extensions to existing buildings including residential extensions'.

Standard of Accommodation

- 6.12 While Officers, and indeed the Council are not promoting the provision of Studio flats, which are only permitted under DM Policy 32 'Housing design, layout and space standards' Part 4e in exceptional circumstances, the use of the loft as a residential unit is already established. Flat D has been registered for Council tax since October 1999, and as such, the principle of the development is not in question in this instance.
- 6.13 Furthermore, and in response to concerns raised within the letter of objection, it is not considered that the proposal represents overdevelopment as the use is already established and will not result in intensification of the use as a result of the proposed roof extension.
- 6.14 While it is acknowledged that the studio flat of 32.9sqm GIA (as measured by Officers) would fall short of the minimum space requirements for a 1bed 1 person flat (37sqm) as provided in DM Policy 32 and Policy 3.5 of the London Plan, the use is already established, and it is considered that the proposal will enhance the living accommodation of the loft flat which currently measures 28sqm.

Impact on residential amenity

- 6.15 Concerns were raised within the objection from the co-freeholders of No. 211 Stanstead Road that the proposal would result in over-looking into the rear gardens of Flat B, C and D being further increased. Given the existing dormer to the rear of the subject property at No. 213 Stanstead Road, and indeed the first floor rear balcony, it is considered that the proposal will not result in any increase in loss of privacy as a result of the additional rear dormer window. This concern was also considered as part of the 2004 Appeal (Reference APP/C5690/A/04/1167192) which determined that the proposal would not result in any additional material increase in terms of loss of privacy to the rear garden of No. 211.

Visual Impact on surrounding area

- 6.16 The proposed extension will be marginally visible from Stanstead Road when standing between No. 213 and 215 Stanstead Road given the retention of the existing chimney stacks and indeed the location of the existing side dormer. As a result of the close proximity of the property to No. 215 Stanstead Road, the proposal will not be visible from long distances.
- 6.17 In relation to the proposed extension to the rear roofscape, it should be noted that the rear of No.213 Stanstead Road is characterised by large mature trees and as such, the visual impact of the proposal on surrounding properties will be negligible.
- 6.18 There are existing roof dormer extensions at the subject property and as such, it is considered that this proposal will have minimal visual impact on surrounding properties and the surrounding area.

7.0 Community Infrastructure Levy

- 7.1 The above development is not CIL liable.

8.0 Equalities Considerations

- 8.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 8.4 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 This application has been considered in the light of policies set out in the development plan and other material considerations. The proposed roof extension will link the existing rear and side dormer extensions and will provide an additional 5sqm gross internal living space to the existing loft flat.

- 9.2 The proposal would not give rise to any additional impact on residential amenity in terms of overlooking or general noise and disturbance. Furthermore, it is not considered that the proposal will impact on the architectural integrity of the property owing to the already existing dormer extensions.
- 9.3 In light of the above, it is recommended that planning permission is granted on the basis that the proposal is of acceptable design and will not create a negative impact on the host building or the surrounding environment.

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 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:

706_213SR_X000; 706_213SR_X001; 706_213SR_X002, 706_213SR_X003
706_213SR_D101; 706_213SR_D102, 706_213SR_D103;

706_213SR_D104; 706_213SR_D105; 706_213SR_D106.

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 highest 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) No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8am and 6pm on Mondays to Fridays and 8am and 1pm 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 8am and 6pm on Mondays to Fridays and 8am and 1pm 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).

INFORMATIVES

- (1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.
- (2) You are advised that all construction work should be undertaken in accordance with the 'London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites' available on the Lewisham webpage.