

Committee	PLANNING COMMITTEE B	
Report Title	GARAGES NEXT TO ST. PETERS COURT, ON, BREAKSPEARS MEWS, LONDON, SE4 1PY	
Ward	Brockley	
Contributors	Maeve Wylie	
Class	PART 1	8 <sup>th</sup> September 2016

Reg. Nos. DC/16/096477

Application dated 29.04.16

Applicant Mrs Buchan

Proposal The construction of a single storey building to the side of the existing garages next to St. Peters Court on Breakspears Mews, SE4 to provide storage space and a WC facility.

Applicant's Plan Nos. Design and access statement including heritage statement; Site location Rev A; (00) 01; (00) 02; (11) 01; (11) 02; (11) 03; (11) 04;

Background Papers (1) Case File DE/109/A/TP  
(2) Local Development Framework Documents  
(3) The London Plan

Designation Brockley Conservation Area

## **1.0 Property/Site Description**

- 1.1 This application relates to Breakspears Mews, which is situated to the south of Ashby Road. The mews consists of 13 single storey garages, which lie to the rear of dwellings on Breakspears Road to the east and Wickham Road to the west. Six of the garages are positioned to the east of the mews, which runs along the access to a community.
- 1.2 St Peter's Court is located approximately 10 metres from the mews area and it is a 4-storey building consisting of flats.
- 1.3 Breakspears Mews is one of several mews' in the Brockley Conservation Area and is the only one that is a cul-de-sac. It is characteristic of these mews' to have poor road surfacing and limited lighting, which is the case at this site.
- 1.4 The application site is approximately 65m from the entrance to the Mews in Ashby Road. The site is currently an area of open land, enclosed on its eastern side by a low post and rail fence. The land appears to be used partly for parking and to accommodate a portaloo.
- 1.5 This site is within the Brockley Conservation Area and subject to an Article (4) direction. The site is not within the proximity of a listed building.

1.6 The site has a PTAL 4 rating which is considered good.

## **2.0 Planning History**

2.1 In October 2009, an application in respect of this site for the construction of a garage building for the storage of motorbikes was refused. The reasons for refusal were as follows:-

*(1) The proposed building would result in a piecemeal development, likely to increase activity in the mews and to exacerbate the existing unsatisfactory conditions in the mews, harmful to the amenities of neighbouring residents and would fail to preserve or enhance the character and appearance of this part of the Brockley Conservation Area contrary to Policies URB 3 Urban Design and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation areas in the adopted Unitary Development Plan (July 2004).*

*(2) The proposed building, by reason of its location and facing materials, would be visually intrusive and would fail to preserve or enhance the character and appearance of this part of the Brockley Conservation Area contrary to Policies URB 3 Urban Design and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation areas in the adopted Unitary Development Plan (July 2004).*

2.2 In September 2013 (DC/13/82964) permission was refused for the construction of a single storey building to the side of the existing garages at Breakspears Mews to provide storage space and a wc facility. The reason for refusal included:-

*1) The proposed development would intensify pedestrian and vehicular activity in the Mews, which currently lacks a metalled surface or street lighting, to the detriment of pedestrian and vehicle safety contrary to Policies URB 3 Urban Design in the adopted Unitary Development Plan (July 2004) and Policies 15 High quality design for Lewisham and 14 Sustainable movement and transport in the adopted Core Area Strategy (June 2011).*

*2) The proposed development would intensify commercial activity in the Mews to the detriment of the amenities of adjoining residential occupiers contrary to Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham in the adopted Core Area Strategy (June 2011).*

2.3 This decision was subsequently overturned at appeal (APP/C5690/A/13/2210984) by the Planning Inspectorate as they considered that the number of businesses that it would serve would not increase and that the use of the new building would not lead to an increased intensity of use by either the owner of the building or visitors, nor would it bring an unacceptable level of danger to other users of the access. They added that the proposal would not have a harmful effect on highway safety, pedestrian access and design in relation to the conservation area. This decision was granted by the Inspectorate on 3/7/14 and the permission is still within the 3 year time period imposed for implementation. This application is for a larger garage than that granted on appeal.

### **3.0 Current Planning Applications**

#### The Proposal

- 3.1 The current application is for the construction of a single storey building to the side of the existing garage No.7 at Breakspears Mews to provide storage space and a wc facility. The floor area is approximately 17 Sq metres and would incorporate the corner grass area of the site.
- 3.2 No further detail has been provided as to the actual storage use of the proposed garage or why there is a need for the WC facility but it is assumed ancillary to the commercial use as the previous application was and this is the same applicant. (DC/13/82964).
- 3.3 The building would continue the line of the garages on the east side of the mews (numbered 7-12 on the applicant's plan). It is to be 5880mm long and 4240mm wide, narrowing to 1575mm. The proposed height would be 2906mm. A shutter door of 4.1m in width and 2.1 in height would form part of the main front elevation. Another door for access to the WC facility will also form this elevation. The walls of the building would be constructed in yellow stock bricks and a fibre cement roof sheeting is proposed.

### **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.
- 4.2 142 neighbouring properties, Brockley Ward Councillors, Amenities Society Panel (ASP) and The Brockley Society were consulted by letters, site notices and an advert placed in the local paper. The Council's Conservation Officer and Highways Officer were also consulted regarding the application.
- 4.3 The Brockley Society objected to this application and their comments are summarised below:
  - The previously granted application from appeal was not fully assessed by the inspectorate as to whether the applicant owned the land.
  - The Mews should be maintained with free access use by other frontages and that such land is to be held 'in common' so that, for instance emergency and delivery vehicles can use for turning
  - No evidence produced by the applicant to indicate that these constraints and precedents are acknowledged and resolved, either by way of copies of owner's Deeds or of modifying historic or current agreement
- 4.4 5 objections and 1 comment were received relating to this proposal. The points are summarised as:-
  - Inappropriate development within the Conservation area.
  - Potential damage to TPO tree at site entrance
  - Over development.

- The Heritage and Access supporting document being incorrect as it states the site as 'brownfield' which it is not
- The new development appears to be higher than the existing garages and builds on Greenfield development
- The proposed buildings will have a significant detrimental impact on the visual amenity enjoyed from the flats surrounding them and on light available to adjacent buildings
- Applicant is attempting a change of use for the buildings to light industry
- Increased traffic
- Poor access road will be made worse
- Less visibility and secure access to the community garden
- More risk of fly tipping near the garden entrance.
- The applicant is keen to build on the land to set a precedent so that a future application can be made to build residential properties.

4.5 There were also some non-planning related matters raised by objectors, such as the potential residential use of the site in the future and the ownership of the land being brought into question. These matters are not considered further in this report.

4.6 The Highways Officer expressed concern over this new extended development on the basis the proposed increase in floor space compared to the permitted scheme would reduce the amount of space available for vehicles to manoeuvre, particularly as Breakspears Mews already has constrained access. The Highways officer also added that the space that would be lost is an area that provides a passing space which might result in vehicles reversing out of the Mews and this would have safety issues. The installation of a door which opens outwards onto a shared surface would not be supported.

4.7 The Council's Conservation Officer provided no comment on the development due to the fact it would not be visible from the public highway.

## **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, 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<sup>th</sup> 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. 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.

#### London Plan (2015)

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

Policy 5.3 Sustainable design and construction

Policy 7.4 Local character

Policy 7.8 Heritage assets and archaeology

#### Core Strategy

- 5.6 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:

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 15 High quality design for Lewisham

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

## Development Management Local Plan

- 5.7 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 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

DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

### Brockley Conservation Area Appraisal and Supplementary Planning Document (December 2005)

This document advises on the content of planning applications, and gives advice on external alterations to properties. It lays out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details. It also sets out detailed guidance on the limited development that will be accepted within Brockley Mews - mainly within Harefield Mews.

## **6.0 Planning Considerations**

- 6.1 The relevant planning considerations are whether the larger building would render the proposal unacceptable on the grounds of design, highway safety, and neighbour amenity. Officers also consider scale, mass and impact to the conservation area and trees to be applicable.

### Difference between approved and current scheme

- 6.2 The scheme which was refused but subsequently allowed on appeal by the Inspectorate had the dimensions of 4030mm deep, between 4277mm and 2575mm wide and 2906mm high.
- 6.3 The current scheme would be 6479mm deep, between 4277mm and 1565mm wide and 2906mm high.
- 6.4 The new scheme would increase the depth by 2449mm. This means the garage would incorporate all the space that aligns with the garages on the eastern side of the mews. The proposed increase would reduce the space available for vehicles to manoeuvre from the previous granted proposal. Although there is a reduction in open space in the area the extra 2449mm depth is not considered to have major implications on vehicles manoeuvring in this area as the scheme would still provide ample space for cars to pull in or reverse safely within the existing width of the road. The highways officer considered the increase to be detrimental if removing a passing

space that could consequently require drivers to reverse their vehicles out of the mews if they meet another car, which would have safety implications. Officers take these points on board but consider that the increase of 4sqm from the approved building would not have a harmful impact. The scheme would not be overbearing or considered overdevelopment for this area.

### Use

- 6.5 The proposed building would adjoin the garage labelled No. 7 in the submitted plans. This garage would appear to be in commercial use, which is contrary to the original 1954 planning permission which was for garages to accommodate private motor vehicles. Conditions attached to this permission expressly prohibit the use of these garages for any trade or business or for vehicle repairs.
- 6.6 Officers deem that the construction of this garage in this location is unlikely to facilitate domestic storage use but more so for storage relating to the commercial use of the surrounding garages. This includes the vehicle repair use which is carried out in some of the garages. Some objections have referred to the explosion that happened several years ago which was caused by a gas cylinder stored in one of the garages.
- 6.7 In the Inspector's report, the possible increase in activity at the site was considered, but the Inspector noted that the area would be primarily frequented by people who already visit the mews, whether as owners or occupiers of the garages, and that the number of businesses would not increase. They mentioned that whilst there may be some incremental increase in use attracted by the new building there is no evidence that the building would itself generate a significant amount of additional pedestrian or vehicular movements along the access. The Inspector did not consider that the use of the new building would lead to an increased intensity of use by either the owner of the building or visitors that would lead to an unacceptable level of danger for all other users of the access.
- 6.8 Taking the Inspector's comments onboard, and considering them a material consideration, it is deemed that the development of the storage building would not increase the activity of the Mews in terms of vehicles and passengers. With this in mind, the use of the garage as a storage facility is considered acceptable in principal.

### Design and Impact on the Conservation Area

- 6.9 The proposed building would be similar in scale to the single storey adjacent garages and a stock brick finish is now proposed. As was the case with the previous refusal decision which was approved through appeal the design of the garage would be suitable for the area. The Council's Conservation Officer did not object to the design or materials proposed. The increase in scale would not change the view that the design of this garage in this area is acceptable. Officers have checked the Council's records and there is no tree in the vicinity that would be impacted by the proposed development.

### Highways

- 6.10 Although the proposal would reduce the amount of space in the mews for vehicles, it is considered that the development of a larger scale building would not have an impact on highway safety. In the Inspector's report it was stated that the construction of a toilet and storage area would not directly increase the activity in the mews by a

significant amount. It is not considered that the additional 4sqm proposed under this scheme would result in a material increase in vehicular and pedestrian activity.

6.11 The Council's Highways Officer deemed that increasing the size of the garage to incorporate all of the area remaining to the east of the site would be detrimental to the manoeuvring of cars. The proposal would not impact on existing access arrangements to the mews. The application site is close to the end of the mews, where its width increases. Within the 'arm' of the mews that the garage sits within, there is sufficient space for two cars to pass. Further, vehicles passing in this part of the mews could use the other 'arm' of the mews to wait while another car left or to turnaround. Therefore, it is considered that the proposed scheme would not impede cars from passing or manoeuvring in this area and exiting the mews in a forward gear.

6.12 Therefore in terms of highway safety this proposal would be acceptable and not considered to cause harmful impacts.

## **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 It is considered that the proposal is acceptable in terms of highways, mass and scale, design and materials, thereby not resulting in material harm to the appearance and character of the Brockley Conservation Area.

## **10.0 RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-



- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990.

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

Design and access statement including heritage statement; Site location Rev A; (00) 01; (00) 02; (11) 01; (11) 02; (11) 03; (11) 04.

**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 premises shall be used for **B8** and for no other purpose (including any other purpose in Class **B** of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

**Reason:** To protect neighbouring amenity in accordance with Spatial Policy 5 of the Core Strategy (2011) and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).