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| Committee | PLANNING COMMITTEE A | |
| Report Title | 111 Brightfield Road | |
| Ward | Lee Green | |
| Contributors | Maeve Wylie | |
| Class | PART 1 | Date: 17 th November 2016 |

Reg. Nos. DC/16/097990

Application dated 17.08.16

Applicant Mr J Perry

Proposal The construction of a single storey extension at the rear of 111 Brightfield Road SE12, together with a roof extension in the rear roof slope and alterations to the window in the first floor side elevation of the rear projection.

Applicant's Plan Nos. 11 BR 01, Heritage Statement, Design Access Statement (Received 18th August) 11BR WD02rB (Received 30th September 2016) 11BR 03rA (Received 3rd November 2016)

Background Papers (1) Case File LE/444/111/TP
(2) Local Development Framework Documents
(3) The London Plan

Designation None

1.0 **Property/Site Description**

- 1.1 The site comprises a 2-storey terraced single family dwellings located on the western side of Brightfield Road.
- 1.2 The properties have a distinctive L-shape due to the presence of a two storey projection which projects 7m from the rear wall of the main section of the house. This is characteristic for the majority of the terraced properties in the area.
- 1.3 The properties are constructed in London stock brick with a tile roof. In the front and rear there is mixture of timber sliding sash and uPVC casement windows. To the front elevation there is box bay windows to the ground floor and first floor.
- 1.4 The surrounding area is predominantly residential, with Manor House Gardens to the rear and Lee High Road (A20) to the east
- 1.5 The property is located within Lee Manor Conservation Area and subject to an Article 4 Direction. It is not a listed building.

2.0 Planning History

2.1 DC/16/90517 - Permission granted for the installation of replacement timber sash windows and door to the front elevation, together with the removal of pebble dash render from the front elevation at 111 Brightfield Road SE12.

3.0 Current Planning Applications

3.1 The construction of a single storey side infill and rear extension at 111 Brightfield Road, SE14 together with a dormer extension.

3.2 The proposed extension would create a 7m infill extension, taking up the full area on the side return. The proposed extension would extend further than the existing outrigger by 2m, creating a 9m extension from the main section of the house.

3.3 It would have a flat roof with a maximum height of 2.3m and an eaves height of 2.3m on the boundary with 109 Brightfield Road and 113 Brightfield Road. There is 8 rooflights proposed, all on the side return section of the extension.

3.4 The rear roof extension would comprise of 2 two dormers. The dormers would be 1.05m wide, 1.7m high and 1.3m deep each.

3.5 The materials are stated to be wall rendered blockwork painted white for the ground floor extension, asphalt or fibreglass flat roof and lead dormers with timber windows.

4.0 Consultation

4.1 Six neighbouring properties and Ward Councillors were notified and a site notice was displayed. Objections were raised by two neighbours.

4.2 The points are summarised below –

- Concern that extending the building at the back by two metres will overshadow the garden next door and reduce the amount of outdoor light that they currently enjoy.
- Proposed extension out of keeping with the existing Victorian houses in this terrace.
- The materials for the walls are stated as rendered block work painted white, which would look out of place built against the traditional London yellow stock brickwork of the present houses.
- The house is within a conservation area and directly backs onto a grade II listed park from which it is visible.
- The extension is quite bulky compared to the size of the neighbouring gardens
- It is presumed the garden fence of no 113 will have to be removed as the drawings show the side of the new extension forming the party wall. It is noted that the location plan in the application is not accurate as it seems to show no.113 extending beyond the line of the back additions. In fact all the rear walls of the houses 109 to 127 are currently in line.

4.3 The Lee Manor society objected to this proposal based on the materials used, the size and style of the dormer particularly as it is visible from the public realm. The loss of the original rear bay window was also cause for objection. Amendments were made to the rear dormers in particular the raked infill. The applicant was advised of the objection and made amendments to remove the raked infill which subsequently removed Lee Manors objection on the dormers.

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 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, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in 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. 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 (March 2015)

- 5.5 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4 Local character

Policy 7.6 Architecture

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:

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 14 Sustainable movement and transport

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 (DMLP) was adopted on 26 November 2014. 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 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

Residential Standards Supplementary Planning Document (updated May 2012)

5.8 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 suitable sized garden should be maintained

6.0 Planning Considerations

6.1 The relevant planning considerations for the proposal are:

- the design of the proposal and its impact on the character and appearance of the host property and the Lee Manor Conservation Area
- The impact on the amenities of neighbouring occupiers.

Design

6.2 Core Strategy Policy 15 seek to ensure that a high standard of design is upheld; proposals must complement the existing development, townscape and character.

6.3 DM Policy 31 relates to alterations to existing buildings and requires development to be of high, site specific, and sensitive design quality, and respect and/or compliment the form, setting, period, architectural characteristics, detailing of the original buildings including external features, such as chimneys and porches. It further states that high quality matching or complimentary materials should be used in relation to the context.

Ground floor extension

6.4 The proposed ground extension would not be visible from the public realm. Due to the high shrubs at Manor House Park, which this site faces onto, the ground floor of this property is not visible from within the park. Although there was an objection from The Lee Manor Society because of the loss of the architectural bay window, officers consider that because this feature is not visible from the public realm and therefore provides no architectural merit to the Conservation Area it would not provide a negative impact on the area.

6.5 Due to the proposed scale, the extension is considered to be subservient and would not have a severe impact on the character of the surrounding development. For this reason, the proposed development is considered to be in scale with the host building and surrounding developments, not giving rise to a detrimental impact upon the existing streetscene. The rooflights and new proposed window would not detract from the host building.

6.6 One of the objections comes from a neighbour on the terrace but not an adjoining property. They state that the ground floor extension is out of keeping with the Victorian houses on the terrace. They feel the rendered material is not suitable for the conservation area and that the extension would appear bulky and compared to the neighbours garden. Officers take these points on board but as the ground floor extension is not visible from the public realm or Manor House Park Officers consider that it would have no impact on the host building, the terrace or the Lee Manor Conservation Area as a whole.

6.7 A substantial amenity space with the length of 18m would still remain after development, which would be considered acceptable

Dormers

6.8 The proposed dormers on the rear would be suitably located in roof slope matching the windows on the lower floors. The scale of the dormers are considered acceptable and would not detract from the original roof form. Each dormer is set back appropriately to the ridgeline, eaves and flank walls. The dormers are both adequate in scale while still creating the level of extension needed to make the room functional. The dormers would be constructed in lead cladding, which would be supported by officers, with two timber sash windows that match the windows on the bottom floor.

6.9 The Lee Manor Society originally objected to the raked flank dormers stating that it was not suitable due to scale, design and materials particularly from such a visible roofslope when in Manor House Park. After amendments were made the Lee Manor Society withdrew their objection to this aspect of the proposal.

6.10 Officers consider both extensions to the rear of the property acceptable in terms of design and materials. The rear dormers, although visible, would not detract from the Lee Manor Conservation Area.

6.11 In summary, the proposed development is considered acceptable in terms of design.

Impact on Adjoining Properties

6.12 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential extensions should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must therefore be demonstrated that proposed extensions are neighbourly and that significant harm will not arise with respect to overbearing impact, loss of outlook, overshadowing, loss of light, loss of outlook or general noise and disturbance.

6.13 It is noted that the orientation of the infill is south facing on the boundary with No.109 and 113 Brightfield Road. In this context, officers consider that the 2.3m eaves height would be acceptable as not to cause detrimental harm to the neighbour in relation to loss of sunlight and overshadowing. The proposed height and depth is also considered not be overbearing and does not create a tunnel effect from the neighbour's amenity space.

6.14 Due to orientation there is already some overshadowing from the 2 storey rear projection. The proposed single storey infill extension is not considered to make this significantly worse. 109 Brightfield Road has a substantial rear garden length, the proposed structure is therefore considered to have a very limited impact on overshadowing.

6.15 In terms of the impacts on to No. 113 it is considered there would be some sense of overshadowing on to this neighbour's amenity space, mainly in the afternoon, but due to the 2m projection further than their outrigger and an eaves height of 2.3m it would be deemed by officers to be acceptable. Adequate amenity space would remain within the neighbours garden which would be unaffected by this. The existing party wall would reduce the visibility of this proposal onto the neighbours.

6.16 With regard to the proposed rear roof dormers, officers consider that due to their relatively small scale they would bear limited impact on neighbours and would not increase overlooking or loss of privacy any more than is existing from the rear windows.

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

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 extension is considered to be acceptable with regards to design and neighbouring amenity.

9.2 **Recommendation: GRANT PERMISSION subject to 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:

11 BR 01, Heritage Statement, Design Access Statement (Received 18th August)
11BR WD02rB (Received 30th September 2016) 11BR 03rA (Received 3rd
November 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 development shall be constructed in those materials as submitted namely: london stock brick, white render, timber windows, lead dormers and aluminium sliding door as stated in Drawing No. 11BR 03rA
- (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.