

Committee	PLANNING COMMITTEE B	
Report Title	49 Mount Ash Road, SE26 6LY	
Ward	Forest Hill	
Contributors	Amanda Ghani	
Class	PART 1	19 th January 2017

Reg. Nos. DC/16/098571

Application dated 02/10/16

Applicant Elizabeth Heyes

Proposal The construction of a single storey extension to the rear of 49 Mount Ash Road SE26, together with the construction of a raised platform and hard surfaced steps in the rear garden and the partial excavation of back garden to provide a lowered garden area and the installation of a replacement window in the rear elevation.

Applicant's Plan Nos. Site Location Plan; Block Plan; Dwg 1 A; DWG 2 A; DWG 3 A; DWG 4 A; DWG 5 A; DWG 6 A; Design and Access Statement), Heritage Statement (dated 1 October 2016).

Background Papers This is Background Papers List
Case File LE/91/49/TP
Local Development Framework Documents
The London Plan

Designation Area of Stability and Managed Change

2.0 Property/Site Description

The application relates to a three-storey end of terrace residential property, which is situated on the western side of Mount Ash Road.

- 2.1 The property is located within the Sydenham/Kirkdale Conservation Area, which contains a mix of 19th century buildings and a 20th century housing estate, all of distinctive style and form. The property is subject to an Article 4 Direction, but is not listed.
- 2.2 The subject property features a brick built ground floor extension to the rear, with skylights in a mono-pitched roof, which accommodates the kitchen. There is an original outhouse projection, which extends beyond the shared boundary and is an original feature of this terrace.
- 2.3 Rear gardens are short and steeply sloping to the northeast. The rear of the houses are visible at first and second floor level from Mount Gardens, which is an adopted public highway. There are long views of the rear of the terrace from the rear of 30-34 Kirkdale.

3.0 Planning History

DC/09/71731 - The retention of two single storey extensions at the rear of 49 Mount Ash Road SE26. Granted 21/09/09

DC/13/82697 - Retention of the re-roofing of the existing roof at 49 Mount Ash Road SE26 with Contessa Spanish natural slate. Granted 15/05/13

DC/15/094430 - The construction of a single storey extension to the rear of 49 Mount Ash Road SE2, together with the construction of a raised platform and hard surfaced steps in the rear garden and the partial excavation of back garden to provide a lowered garden area. Withdrawn 25/02/16

4.0 Further relevant history

Thirteen properties in Mount Ash Road have been granted permission for single storey and one/two storey extensions; of which eight, form part of this terrace.

Two planning permissions have been granted at committee for the construction of two storey extensions in the application terrace. Number 27 (DC/15/094891) was granted on 19th May 2016 and number 32 (DC/14/90313) was granted on 2nd July 2015.

5.0 Current Planning Applications

This application seeks planning permission for the construction of a single storey extension to the rear of 49 Mount Ash Road SE26. The proposal includes French doors in the south-western elevation and floor to ceiling windows either side. The extension would have a mono pitched green roof, incorporating a roof light. The existing rear first floor window opening would be shortened to incorporate the angle of the roof and a replacement timber sash window would be installed. The proposal also includes the partial excavation of the back garden, some remodelling and a set of steps up to the existing raised rear garden.

The proposed extension would be sited on the northern boundary of the property, which adjoins number 32 Kirkdale. It would have a total depth of 5m and a width of 2.7m. The maximum height of the roof measured from ground level would be 3.5m, sloping to 2.7m.

The existing original water closet would be incorporated into the extension by raising its height by 0.2m to allow it to meet the angle of the pitched roof. The existing window and rear door in the rear elevation would be bricked up and replaced with a floor to ceiling fixed window measuring 0.7m wide.

The extension would be finished externally in brick to match existing. The proposed rear first floor window would be timber sash, double-glazed and would align with the window above. A set of timber French doors would be installed in the side elevation of the extension, opening out onto a small patio area with steps leading up to the garden.

The development would provide an enlarged kitchen/dining/living area.

Supporting Documents

Heritage Statement, Design and Access Statement

6.0 Consultation

- 6.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 6.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. The Sydenham Society, Forest Hill Society, The Councils Highways Department and The Ecological Regeneration Manager were also consulted.

7.0 Written Responses received from Local Residents

- 7.1 Objections were received from two local residents citing the following issues which are relevant to the assessment of the planning application:
 - Works would have a disproportionate impact on 32 Kirkdale due to the proposed extension being close to this house.
 - Proposed extension too deep.

- Proposed extension to be built up to boundary wall, on the existing retaining wall, leaving no gap for construction or maintenance or water runoff.
- No height given for “raised platform”
- Possible undermining of neighbours foundations.
- Undermining Mount Gardens public highway
- Proposed extension will be built over drains
- Cannot see how original Victorian water closet will be incorporated in to the proposal

7.2 A written response received from The Sydenham Society is summarized below:

- The proposed extension is out of character and of inappropriate design with regards to the existing rear elevations on the north side of the road.
- An un-neighbourly form of development
- Loss of amenity and outlook from 32 Kirkdale due to size of extension and green roof
- Lack of detail submitted showing relationship between subject property and 32 & 34 Kirkdale.

Highways and Transportation

Council's Highways Officers have offered no objection to the proposed development

8.0 Policy Context

Introduction

8.1 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)

- 8.2 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

- 8.3 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)’.
- 8.4 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.

8.5 London Plan 2015 (amended 2016)

The London Plan policies relevant to this application are:

Policy 5.3 Sustainable design and construction

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.18 Construction, excavation and demolition waste

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

8.6 London Plan Supplementary Planning Guidance (SPG)

The London Plan SPG’s relevant to this application are:

Housing (2012)

Sustainable Design and Construction (2006)

8.7 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:

Spatial Policy 1 Lewisham Spatial Strategy

Core Strategy Policy 8 Sustainable design, 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 (2014)

8.8 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:

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

DM Policy 32 Housing design, layout and space standards

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

8.9 Residential Standards Supplementary Planning Document (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.

9.0 Planning Considerations

The main issues to be considered in respect of this application are:

- a) Principle of Development
- b) Design
- c) Impact on Adjoining Properties

9.1 Principle of Development

The application site is covered by an Article 4 Direction, which means planning permission needs to be obtained for any improvement, enlargement or alteration to the property, but does not preclude development. The Council assesses each application on its merits.

- 9.2 National, regional and local policies have identified a need to promote adequate standards of living accommodation and meet the needs of the housing market. This application relates to an extension to a residential property in a residential area and as such the principle of development is supported, subject to design considerations, the impact on adjoining properties and the conservation area and highways issues.

Design and Impact on the Conservation Area

- 10.0 London Plan Policy 7.6 Architecture, requires development to positively contribute to the surrounding environment, using the highest quality materials and design. Policy 7.8 Heritage assets and archaeology outlines that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate and should conserve their significance by being sympathetic to their scale, form and architectural detail.

- 10.1 Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment states that new development should be of high quality design and should preserve the historic environment and sense of place. Development Management Policy 36 New Development, changes of use and alterations affecting designated heritage asset and their setting advises that planning permission will not be granted if the proposed development is deemed incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

- 10.2 The subject property is at the end of a long terrace that is sited on the north-western side of Mount Ash Road, within the Sydenham Hill/Kirkdale Conservation Area. The garden level of the subject site is approximately 3.7 metres lower than the top of the fence of No. 32 Kirkdale. The boundary to Kirkdale is comprised of part retaining wall at approximately 2.8m and fence at 0.9m. The proposed extension would be built up to a maximum height of 3.5m and set back 200mm from the adjoining fence. It would cover 28.69% of the rear garden leaving ample amenity space in the form of a small patio area and an elevated garden. The extension would cover and enlarge the footprint of the existing single storey extension that measures (d) 2.1m x (w) 2.3m. This would require excavation i.e. cutting back into the raised garden area of the subject property, which has already begun.
- 10.3 The extension would have a mono-pitched green roof incorporating a large skylight. The roof would be planted with a mix of native, drought tolerant wildflower, sedum, herbs and perennials. The roof would be lined with a waterproof liner and incorporate edging stones around the outer edges to allow for drainage. The extension would be finished in London Stock brick to match existing. The proposed windows and doors would be timber framed to match existing on the rear elevation. The proposed extension would be subordinate to the main dwelling and its sloping roof would not detract from the character of the host property or that of the conservation area.
- 10.4 Given the nature of the site and that the development is confined to the rear of the property, it would only be visible at low-level position from the rear upper floors of adjacent properties in Kirkdale. In terms of scale, the proposed extension is similar in bulk and form to a number of neighbouring rear additions and its dimensions and siting would make little difference to the existing character of the rear of the terrace, particularly when viewed from the public domain.

11.0 Highways and Building Control

Mount Gardens is an adopted highway that borders the rear of the site. Although the Council's planning department does not hold any records of instability within the site, objectors have raised historic land slippage issues on Mount Ash Gardens. Accordingly and in consultation with the Highways Department, officers have considered the potential for the proposed works to cause harm to the structure of the Mount Gardens highway. The proposed works involve excavation within the garden, which has already begun. Officers have expressed concerns regarding the excavation of the land in proximity to this highway. Given these comments made by Highways and the objectors and to ensure site stability, it is therefore recommended that a condition be imposed requiring details of the construction methods measures to support the adjoining retaining walls design plans of a suitable retaining structure be submitted to the Council for approval. Through the imposition of a condition, it is considered that land stability can be managed. In addition, Highways have powers under the Highways Act should any damage result to the adjoining highway. Through these mechanisms, it is considered that any potential land stability issues can be mitigated.

Overall, given the temporary nature of construction activities and ability to manage land stability through specific engineering designs assessed by Building Control; it is considered that no significant impact on Mount Gardens would result.

12.0 Impact on Adjoining Properties

12.1 DM Policy 31 states that residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity including loss of sunlight and daylight to adjoining properties and their back gardens.

12.2 Officers are mindful of objections raised regarding undermining of foundations, the size of the proposed extension and loss of amenity.

The proposed extension would extend the entire length of the boundary shared with 32 Kirkdale. Number 32 has a ground level approximately 1.5m higher than the subject property. The boundary is marked by a retaining wall topped with fence panels. The proposed extension would sit below the top of the fence panels and would not be visible from the ground floor of this neighbouring property or the adjacent properties on Kirkdale. The existing raised rear garden currently sits 1.8m below the top of the existing rear boundary treatments of the adjacent properties in Kirkdale and despite remodelling, the existing garden height would be maintained. As such, there would be no issues regarding loss of privacy and there are no implications in terms of loss of light or shadowing given the lower land the site occupies.

12.3 Adverse effects such as construction related activities and land stability issues can be addressed through recommended conditions therefore no significant effects on neighbouring properties are anticipated.

12.4 Due to the proposal being of a scale that does not adversely affect neighbouring properties and conditions recommended that would mitigate construction related effects; it is considered that an acceptable level of impact would result on adjoining properties.

13 Equalities Implications

13.1 The Council has considered the public sector equality duty under section 149 of the Equalities Act 2010 and in the exercise of its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct which is prohibited under this Act and to foster good relations between persons who share a relevant protected characteristic: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

13.2 As with the case with the original separate duties, the new duty continues to be a "have regard duty" and the weight to attach to it is a matter of judgement bearing in mind relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity or foster good relations.

14 **Conclusion**

This application has been considered in the light of policies set out in the development plan and other material considerations.

Officers consider the proposed development to be of no significant harm to the character of the area or to residential amenity and is therefore considered acceptable.

RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

- (1) The development to which the 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:

Site Location Plan; Block Plan; Dwg 1 A; DWG 2 A; DWG 3 A; DWG 4 A; DWG 5 A; DWG 6 A; Design and Access Statement), Heritage 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.

- (3) No development shall commence on site until such time as a Construction Structural Management Plan in respect of the excavation and remodelling of the rear garden has been submitted to and approved in writing by the local planning authority. The details included in the plan shall, upon approval, be implemented and permanently retained. The plan shall cover:-
 - (a) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (b) A structural method statement prepared by an appropriately qualified civil or structural engineer, demonstrating how the excavation, demolition and construction work (including temporary propping and other temporary works) are to be carried out whilst safeguarding the structural stability of the adjoining retaining walls both to Kirkdale Road properties and Mount Gardens.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to insure stability of land on site and on the Mount Gardens highway and to comply with Policy 5.3 Sustainable design and construction of the London Plan (2011).

(4) No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-

(a) Rationalise travel and traffic routes to and from the site.

(b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.

(c) Measures to deal with safe pedestrian movement.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan 2015 (as amended 2016).

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