

Committee	PLANNING COMMITTEE A	
Report Title	134 BREAKSPEARS ROAD, LONDON, SE4 1UA	
Ward	BROCKLEY	
Contributors	Russell Brown	
Class	PART 1	16th February 2017

<u>Reg. Nos.</u>	DC/16/099151
<u>Application dated</u>	15.11.2016
<u>Applicant</u>	Mr N Morss
<u>Proposal</u>	The construction of a single storey rear extension at 134 Breakspears Road, SE4, together with the construction of a dormer window to the rear roofslope and the insertion of rooflights in the front and side roofslopes.
<u>Applicant's Plan Nos.</u>	16508/03; 16508/04; Site Location Plan Received 16th November 2016 Heritage Statement Received 22nd November 2016 16508/05 Rev C; 16508/06 Rev B; Design & Access Statement Received 3rd January 2017
<u>Background Papers</u>	(1) Case File LE/89/134/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	Brockley Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application property is located on the north side of Breakspears Road, a residential road adjoining Wickham Road to the west. The road is mostly comprised of two and three storey terraced, semi-detached and detached residential properties, although there is a blocks of flats almost opposite the application property and further up the road. Part of Lewisham Southwark College is to east side of its northern part close to its junction with Lewisham Way.
- 1.2 The application site is occupied by a two storey semi-detached London stock brick built Victorian property. It features a distinctive canted bay to the left side of the recessed front doors, which are beneath decorative arched stucco, and timber sash windows. It also has a low pitched slate roof and ample front garden.

- 1.3 At the rear there is an original two storey addition with a lean-to and shed-like structure to the rear of that. The rear garden is part hard paved patio, but mostly grassed and is approximately 25m deep from the rear wall of the main property.
- 1.4 The property is within Brockley Conservation Area, subject to an Article 4 direction, but is not a listed building nor in the vicinity of one. The site has a PTAL rating of 3.

2.0 Relevant Planning History

- 2.1 None.

3.0 Current Planning Application

- 3.1 Planning permission is sought for the construction of a single storey extension to the rear (north) of the site as well as the construction of a dormer to the rear roofslope and the insertion of rooflights in the front and side roofslopes.
- 3.2 The proposed extension would wrap around the original two storey addition, replacing the lean-to and garden store. It would therefore form the boundary with no. 132, but would not project beyond the existing side (south) elevation building line, being 1.05m from the boundary with no. 136.
- 3.3 The rear extension is proposed to measure 5.75m wide, 2.25m of which would infill the side return. It would be 7.75m deep, although a 1.8m wide section on the boundary with no. 132 would project a further 2.6m. It would be 3.3m high including parapet at its rear elevation and 2.97m high to its side elevation, which would not feature a parapet and where the land steps down close to the boundary with no. 136. The land also steps up towards the rear of the site meaning that the part of the extension housing the bike shed would be 3m high.
- 3.4 It would feature rear sliding doors leading onto a patio, double doors from the bike store and a side door, a window to the bike store, a 'sun tube' to the laundry room and 4.8m deep by 80cm wide rooflight over the kitchen / dining area.
- 3.5 The materials proposed are a red cedar treated timber wall cladding system, a damp-proof course of Staffordshire blue brick for the base of the extension, grey coloured GRP for the roof and polyester powder coated aluminium frames for the windows, doors and parapet copings.
- 3.6 The rear dormer would measure 3.2m deep by 2m wide by 1.8m high. It would feature a timber framed sash window with double glazing and would be clad in milled lead.
- 3.7 The rooflights would be conservation style, feature a central glazing bar and would be fitted flush to the roofslopes.
- 3.8 The extended patio decking in concrete slabs would not be more than 300mm high and therefore does not require planning permission.

4.0 Consultation

- 4.1 Pre-application advice was sought where Officers advised that the principle of a rear extension was acceptable subject to the design, materials and dimensions. A high quality, modern design either constructed of materials in keeping with the existing property or contemporary materials was encouraged as long as it was subordinate to the main dwellinghouse and had an acceptable impact on neighbouring amenity.
- 4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 Site and public notices were displayed and letters were sent to 11 adjoining addresses, Brockley Ward Councillors, the Brockley Society and the Council's Conservation Officer.

Written Responses received from Local Residents and Organisations

- 4.4 Two objections were received raising the following concerns:
- The square, flat-roofed extension would bear no aesthetic relation to the existing or surrounding buildings.
 - The massing is excessive.
 - The proposed finish would contrast sharply with the surrounding structures and would stand out.
 - The submission is misleading as regards the colour of the finish.
 - The flat roof may be used as a recreational area, which would have radical implications on privacy.
 - If the extension is granted without amendments, it would set a precedent allowing others to ignore the Brockley Conservation Area SPD.
 - Lack of detail to soften the side elevation and no step back from the side elevation of the main building.
 - The bike shed and utility room roof should be in slate and mono-pitched like the existing.
- 4.5 The Brockley Society made the following comments:
- There is no objection to the principle of forming a rear extension and dormer as proposed provided that the linear rooflight to the kitchen is installed with a remote controlled blind to minimise light pollution.
 - A strong objection is raised to the proposed front slope rooflight as this does not comply with current policy in the Brockley Conservation Area SPD, as supported by the Appeal Inspector's Decision of 24 Nov 2015 for 46 Wickham Road (ref App/C5690/W/15/3039149).
 - Unfortunately, the Applicant on the advice of the Duty Planning Officer has erroneously chosen to ignore this policy and has cited examples in support that have all been superseded by the Appeal Inspector's report or are incorrect (i.e. DC/15/93768 was refused on 18 Dec 2015).

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 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 as further altered in 2016). 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 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.

Other National Guidance

5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan (March 2015)

5.6 On 10 March 2015 the London Plan (as further altered in 2016) 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

- 5.7 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 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management 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 Core Strategy and the London Plan is the borough's statutory development plan. The following policies are 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 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)

- 5.9 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 6.7 states that when considering applications for roof extensions they should be sensitively designed to retain the architectural integrity of the building. Brockley Conservation Area Supplementary Planning Document (December 2005)
- 5.11 This document advises on the content of planning applications, and gives advice on external alterations to properties. It sets 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.

6.0 Planning Considerations

- 6.1 The relevant planning considerations are the impact of the proposal's design on the character and appearance of the existing building and of Brockley Conservation Area in addition to any impact on the amenities of neighbouring occupiers.

Design and conservation

- 6.2 The dimensions of the ground floor rear extension are considered to be acceptable because, whilst the maximum depth of its projection is large at 7.75m, its scale is considered to be subordinate to the main building, given the bulk of the original two storey rear addition and host property.
- 6.3 The use of a flat roof allows for a better standard of living accommodation given the 2.45m high head room, which matches that of the ground floor rooms in the main part of the dwellinghouse. As such, it is considered that the flat roof is the most appropriate option.
- 6.4 It is recognised that the design of the rear extension is contemporary, which is supported by Council policies. A 'pastiche' approach would not be encouraged; rather an extension that draws certain elements from the main building and re-interprets them in a modern style would be acceptable in principle.
- 6.5 The extension is proposed in a red cedar treated timber wall cladding system, a GRP roof and ppc aluminium for the windows, doors and parapet copings, all of which are contemporary materials not seen on the rear elevation of the property. However, there is no policy requirement that prevents the introduction of contemporary elements provided that they complement the host building, which they are considered to do in this case.
- 6.6 The rear and side doors in addition to the large rooflight would help to bring light into the new space, particularly the dining and kitchen area. The use of a 'sun tube' is considered to be an innovative and discreet way of bringing in natural light to the laundry room.
- 6.7 The proposed rear dormer, given its modest dimensions, would be subordinate to the rear roofslope, thereby preserving the architectural character of the building. It would be set in by at least 400mm from the party wall with no. 132, which is the maximum possible given that it would otherwise interfere with the sloping south western roofslope, which would give rise to an awkward relationship with the rear roofslope. It is therefore not possible for the dormer to line up with the window below. The dormer would also be set up from the roof eaves by 1m and set down from the roof ridge by 20cm, and would therefore appear subordinate to the original roofslope.
- 6.8 The dormer would feature a single timber sash window, which would be more in character with the geometry and hierarchy of the existing fenestration compared with the two smaller windows originally proposed. The milled lead cladding would be appropriate to the property's location in a Conservation Area. The use of a timber sash window to match those on the lower floors is welcomed.
- 6.9 The comments of the Brockley Society regarding the front rooflight are acknowledged. However, the applicant does not wish to remove this feature of the scheme given that it is south facing and would provide sunlight to the roofspace

and has declined to move it onto the flat 'crown' roof of the property. Given the overall good quality of the scheme, and providing that the roof lights would be conservation style and fitted flush with the roofslope (which would be secured by condition), on balance it is not considered in this instance that the front rooflight provides sufficient grounds to refuse planning permission.

- 6.10 The proposed scale, form, design and materials for the proposals are considered by Officers to be of a high quality and appropriate for the building and the Brockley Hill Conservation Area. As such, the proposal complies with Core Strategy Policies 15 and 16, DM Policies 30, 31 and 36 and the Brockley Conservation Area SPD.

Impact on the amenity of neighbouring occupiers

- 6.11 81, 83, 85 and 87 Wickham Road are to the rear of 134 Breakspears Road. However, while the extensions would be visible, given the distance between the properties, they are not considered to have any significant impact on the amenities of those properties.
- 6.12 The proposed rear dormer is not considered to impact on levels of noise, outlook, daylight or sunlight currently experienced by neighbouring occupiers. Given that the windows on the first floor already overlook surrounding properties, there would be no significant impact to their privacy.
- 6.13 The proposed single storey rear extension would also not have any significant impact on privacy given that there are no side facing windows proposed, whilst a condition can prevent the use of the flat roof as an amenity area.
- 6.14 With regard to the an impact on no. 136 in terms of loss of light, associated overshadowing and outlook, whilst the extension would be deep, a gap of just over 1m would be retained to the shared boundary. Given the height of the structure, and taking into account ground levels, it is not considered that there would be a significant impact on this neighbouring property. The impact would be further mitigated by the existing fence with trellis and assorted greenery on the boundary.
- 6.15 These impacts would be insignificant on no. 132 given that the part of the extension proposed to house the laundry room and bike store would extend no further than the existing structures and would only be 75cm higher.
- 6.16 Officers acknowledge that the extension would be 2.25m closer to the boundary fence with no. 136, but given it would be single storey in nature and the gap to the boundary of 1.05m, it is not considered to be significantly overbearing or create a sense of enclosure, taking into account the lower ground level at no. 136. Officers have investigated with the applicant reducing the height, but this is not possible without significantly reducing the quality of living accommodation in terms of head height.
- 6.17 Concern has been raised light spillage from the proposed rooflights, but this is not considered to be significantly worse than light spillage from the existing windows.
- 6.18 Therefore, the application is deemed to be acceptable in terms of the residential amenity of neighbouring occupiers.

Equalities Considerations

- 6.19 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.
- 6.20 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.
- 6.21 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.
- 6.22 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/>
- 6.23 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
- 6.24 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/>

- 6.25 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.

Conclusion

- 7.0 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2015) and the National Planning Policy Framework (2012).

- 8.0 In summary it is considered that the proposal is acceptable in terms of its impact on the existing property, Conservation Area and adjoining residential properties.

- 9.0 RECOMMENDATION: GRANT PLANNING 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:

16508/03; 16508/04; Site Location Plan Received 16th November 2016; Heritage Statement Received 22nd November 2016; 16508/05 Rev C; 16508/06 Rev B; Design & Access Statement Received 3rd January 2017

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) The rooflights to the front and side roofslopes shall be conservation style in accordance with the approved plans and shall be fitted flush to the plane of the roofslopes.

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

- 4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality

design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

INFORMATIVES

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, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. Further information was submitted prior to determination to make the proposal in accordance with the Development Plan.