

Committee	PLANNING COMMITTEE	
Report Title	25 SOUTHBROOK ROAD SE12	
Ward	LEE MANOR	
Contributors	JOSHUA OGUNLEYE	
Class	PART 1	27 APRIL 2017

<u>Reg. Nos.</u>	DC/17/099901
<u>Application dated</u>	23.01.2017
<u>Applicant</u>	Mr & Mrs Howse
<u>Proposal</u>	The construction of an infill two-storey extension to the rear of 25 Southbrook Road SE12, with associated roof lights, sash windows, glazed sliding patio doors and rear decking.
<u>Applicant's Plan Nos.</u>	PA-A-1001, PA-A-1002; PA-A-1003; PA-A-1004; PA-A-1005; PA-A-1006; Design and access statement; Heritage statement
<u>Background Papers</u>	(1) Case File LE/801/112/TP (2) Development Management Local Plan (November 2014) (3) London Plan (March 2015)
<u>Designation</u>	Lee Manor Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 This application relates to a two-storey detached double fronted Victorian dwelling house on the south side of Southbrook Road. The dwelling house is similar to other properties to this side of the road and in common with its neighbours, contains two ground floor bay windows to each side of the front door. All window openings to its front are timber sash windows.
- 1.2 The property currently has a void space on its west boundary, which is enclosed by a two-storey projection to the rear.
- 1.3 The property is within the Lee Manor Conservation Area and is subject to the Lee Manor Article 4(2) Direction. The site is also within Flood Risk Zones 2/3.

2.0 Relevant Planning History

DC/17/100203 The construction of a single storey rear extension at 25 Southbrook Road SE12.
Pending

3.0 Current Planning Application

- 3.1 The construction of a two-storey infill extension to the rear of the property, together with new roof lights, sash windows, glazed sliding patio doors and rear decking.
- 3.2 The proposed two-storey rear extension would have a depth of 4.2m and a width of 4.1m, which essentially brings it in line with the side and rear walls of the existing house. The roof would extend from the existing pitch of the rear addition with an eaves height of 5.4m.
- 3.3 The proposed rear extension would incorporate x2 roof lights on its roof each measuring 1.1m (w) x 0.6m (l)
- 3.4 To the rear of the new and the existing extension would be a decked area projecting to 3.5-metre deep at a height of 0.5 above ground level.
- 3.5 Alterations to the rear would comprise patio doors to the ground floor and new first floor windows replacing casements with timber sliding sash.

4.0 **Consultation**

- 4.1 Statutory consultees were notified of the proposed development.
- 4.2 18 Local neighbours – Two objections were received

Objection from top floor flat 27 Southbrook Road

Our rear bedroom has a window on the side of the house facing east towards no 25 where the infill extension is proposed. We believe that the upward extension, located where there is currently single height construction, will result in a significant loss of daylight in our bedroom. The subject room already suffers lower light levels, relative to the other rooms, due to the proximity of no 25 and its large overhanging eaves. Given the low light level in the room, some compensation is offered from warm southern light reflected off the yellow brick wall surface of no 25. Under the proposal, this would be replaced with a dark sloping slated roof pitch, greatly reducing the quality of this outlook. Finally, the window currently gives a view south-eastward towards the mature trees lining the railway behind the houses. This amenity will also be greatly reduced if the proposal proceeds in its current form.

Objection from ground floor flat 27 Southbrook Road

Both our (lower floor flat) will be blocked from receiving sunlight until much later in the day. The proposed lack of light into our rooms and along our external corridor between the two houses could have a significant impact. Whereas currently none of the windows on the east-facing wall of number 27 is overlooked by opposite windows on the west-facing wall of number 25, the proposed ceiling lights would look upon the window of the upper floor flat of number 27 from no.25. The upper floor window could also lose some light. If the new roof was to continue at the same angle as the current roof, it could significantly reduce the amount of light that might otherwise be blocked (if the present proposal goes ahead) from the east-facing wall and windows of number 27.

- 4.3 Brockley Ward Councillors – Submitted no comment

Lee Manor Society – Objected to the proposed works

The proposal to extend the line of the rear roofslope to incorporate this extension. This represents a significant change to the shape and character of this house and will be very visible from the public realm - the railway line at the bottom of the garden. We object to two-storey extensions in principle as representing an excessive change to the design and lay-out of the original house. The way this extension has been designed represents a brutal and damaging intrusion into the character of this house. The design of the ground floor extension also has, in our view, little to recommend it, presenting as it does a bland glass facade of windows/doors to the outside world. We urge rejection of this proposal.

5.0 **Policy Context**

- 5.1 **Introduction**

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.

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, Development Plan Document (DPD) (adopted in June 2011), the Development Management Local Plan (adopted November 2014) and policies in the London Plan (March 2015). The NPPF does not change the legal status of the development plan.

5.2 National Planning Policy Framework

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)'.

- 5.3 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.

5.4 Other National Guidance

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

5.5 The London Plan 2015 (amended 2016)

On 10 March 2016, 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

5.6 Core Strategy

The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:
Core Strategy Policy 15 High quality design for Lewisham

5.7 Development Management Local Plan

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 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.

5.8 Residential Standards Supplementary Planning Document (Updated 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.

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 6.3 (Materials) states that bricks and roofing material used to construct an extension should match those in the original building. However, the use of modern materials is supported where appropriate.

5.11 Lee Manor Conservation Area Character Appraisal Planning Document (August 2008)
Character area 3: Lee Railway Station and surrounding commercial premises and yards

6.0 Planning Considerations

The relevant planning considerations for the proposal are the impact on the character and appearance of the host building and rear garden area in terms of scale and design of the proposed rear extension and the impact this would have on character and appearance of the conservation area together with the impact on neighbour amenities.

The proposed extension

6.1 The proposed extension would infill an existing space and be contained within the existing side and rear walls of the property. In this respect, it would be a subservient element to the property as a whole and proportionate to its scale. The extension is proposed in brickwork to match the existing building, and proposed timber sash windows to match existing sash windows in the property would replace non-original casements. It is also noted that the extension would be constructed to a scale and design similar to completed extension at No's.29, 33 and 35 Southbrook Road. In this respect, there is an existing precedent for this type of development.

6.2 The pitch roof continues the line of the existing roof to the rear addition. This further ensures it is subservient to the main roof and continues the character of existing development nearby. Given that similar designs are expressed along the group of properties nearby, the it can be read in its context to be appropriate to the scale of the building. As such to the proposal would be consistent with DM Policy 30 (urban design and local character).

7.0 Residential Amenity

7.1 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 alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must therefore be demonstrated that proposed alterations are neighbourly and that significant harm will not arise with respect to overbearing impact, overshadowing, and loss of light, loss of outlook or general noise and disturbance.

7.2 Officers note the concerns raised by the adjoining property at 27 regarding overlooking from the roof lights to the proposed extension. Officers have had regard to the angle of the roof and the location of the roof light within the roof slope. It has been assessed that the location of the roof light would not permit views into the side facing first floor window of number 27 and as such, privacy would not be impacted.

7.3 With regard to concerns raised over loss of light to the said first floor side-facing window, it is noted the eaves of the proposed extension would be approximately half way the height of the potentially affected window. The upper half of the window would still receive the majority of light from the east, and in this respect light during the morning and early afternoon would not be materially restricted.

Rear decking.

7.4 The rear decking is proposed to a height of 0.3 metre. This would be permitted development or which planning permission is not required. As such, there is no objection to the rear decking.

Flood Risk

7.5 The proposal site is within Flood Risk Zones 2/3 which means that there is a medium to high probability of flooding in the area. To minimise the impact of flooding, the applicant has completed the Flood Risk form published by the Environment Agency which confirms that the finished floor levels in the extension would not be any lower than the levels found in the remainder of the dwelling.

7.6 Officers consider that the floor risk measures proposed are proportionate to the scale of the development and therefore acceptable.

7.7 In light of the above, the proposed development is considered acceptable with regards to neighbouring amenity.

Equalities Considerations

7.8 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.

7.9 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.

7.10 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.

7.11 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/>

7.12 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

7.13 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/>

7.14 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.

8.0 **Conclusion**

8.1 The application’s proposal have been considered against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) London Plan (March 2016) and the National Planning Policy Framework (2012).

8.2 The proposed development is considered to be acceptable with regards to its design and would not cause harm to the character and appearance of the conservation area or neighbouring amenity.

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:

1.00; 1.01; 1.02; 1.03; 1.04; 1.05; 1.06; 1.07; 1.08; 1.09; 1.10; 1.11; 1.12; 1.13; 1.14; 1.15; Design and Access Statement (Received 24 January 2017)

1.10 Rev A; 1.11 Rev A; 1.14 Rev A (Received 03 April 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 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 and 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.

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 discussions took place which resulted in further information being submitted.