

Committee	PLANNING COMMITTEE C	
Report Title	7 FIRS CLOSE, LONDON, SE23 1BB	
Ward	Crofton Park	
Contributors	Andrew Harris	
Q21	PART 1	16/03/17

<u>Reg. Nos.</u>	DC/16/098073
<u>Application dated</u>	31/08/2016
<u>Applicant</u>	Mr Selter (Agent) on behalf of Mr Narvilas (Applicant)
<u>Proposal</u>	The construction of an extension at first floor level to the rear of 7 Firs Close SE23.
<u>Applicant's Plan Nos.</u>	101; Block Plan; Site Plan; Design & Access Statement Received 24/08/16; 201 Received 15/09/16; Daylight and Sunlight Drawings Received on 02/11/16; Additional Daylight and Sunlight Drawings Received 04/01/17
<u>Background Papers</u>	(1) Case File LE/1055/7/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	N/A.
<u>Screening</u>	N/A.

1.0 Property/Site Description

- 1.1 This application relates to a two storey detached single family dwellinghouse located on the southern side of Firs Close. The building is constructed from fairfaced yellow London Stock brick and features uPVC fixtures.
- 1.2 The property features two single storey rear extensions within the rear garden, along the western side boundary. The first extends 2.5m from the rear wall of the main house, with a width of 3.35m. This extension features a pitched roof which slopes down from the main dwelling, with a maximum height of 3.5m and an eaves height of 2.9m. The second extension adjoins the first extension at its rear wall, extending an additional 3.55m up to the property's rear boundary. This extension has a pitched roof sloping down from the rear boundary towards the rear wall of the first extension. The second structure has a maximum height of 2.9m, eaves height of 2.5m and a width of 3.7m. However, the eastern side elevation of the second section has been built up to a uniform height of 3.0m along the boundary, giving the appearance of a flat roof when viewed from the side.
- 1.3 The western side elevation of the existing extensions have been finished in wooden timber cladding, while the rear and western side elevations have been finished in fairfaced yellow London stock brick.

- 1.4 The surrounding area is primarily residential in nature, comprising of terraced properties and blocks of flats. To the rear of the property is a builder's yard, which has recently been granted permission for the construction of a part one/two storey building consisting of 2, four bedroom houses, together with associated landscaping, refuse store and cycle parking (DC/16/098821). The directly adjoining property to the west at 9 Firs close is in use as a nursery.
- 1.5 The property is not located within a conservation area and is not subject to an Article 4 direction. It is not a listed building.

2.0 Planning History

- 2.1 **DC/02/52501** - The construction of a two storey extension to the rear of 7 Firs Close. **Withdrawn**, 21/11/2002.
- 2.2 **DC/04/57657** - The retention of a 1.8 m high fence to the front boundary at 7 Firs Close SE23. **Refused**, 17/08/2004.
- 2.3 **DC/02/52849** - The alteration and conversion of 7 Firs Close SE23 to provide 2 two-bedroom self-contained maisonettes, together with the construction of a front porch, a two-storey rear extension and alterations to the rear elevation. **Withdrawn**, 31/03/2003.
- 2.4 **DC/14/86233** - The change of use of the existing dwelling house at 7 Firs Close SE23 into a Children's Day Nursery (Use Class D1) non-residential institutions, together with the construction of an extension at first floor level to the rear and a new entrance porch to the front. **Withdrawn**, 03/04/2014.

3.0 Current Planning Applications

The Proposals

- 3.1 The application proposes the construction of an extension at first floor level to the rear of 7 Firs Close, on top of the first existing ground floor single storey rear extension. The proposal would include modifications to the lower extension involving the removal of the wooden cladding, and its replacement with fairfaced London stock to match the main dwelling. The roof of the second single storey rear extension would also be altered slightly to replace the existing pitch with a flat roof.
- 3.2 The first floor extension would feature a dual pitched roof, which would maintain the existing ridge and eaves height of the main roof. This would measure 5.15m for the eaves and 6.9m for the ridge. It would have an overall depth of 3.5m. The proposed materials would be fairfaced yellow London stock brick and pitched Redland 49 tiles to match those of the main house.
- 3.3 The proposed extension would feature two new windows at first floor level, one within the rear elevation and one within the western side elevation. The windows would be white uPVC to match the existing fixtures.

4.0 Consultation

- 4.1 Four neighbouring addresses and local Catford South Ward Councillors were consulted. A site notice was also displayed.

4.2 Objections were received from the occupiers of 5 and 5a Firs Close and 48 Rayford Avenue. Their objections outlined the following relevant planning concerns:

- Disproportionate addition;
- Poor standard of accommodation;
- Overlooking into neighbouring properties;
- Impact on the development at 5a Firs close within the builder's yard;
- No lawful permission was obtained for the existing extensions;
- Loss of sunlight and privacy to adjoining properties;
- Financial impact for adjoining properties;
- Development would be too big for the area;
- Stress on local parking
- Loss of sunlight and privacy to adjoining properties.

4.3 Further notification took place following the submission of a daylight/sunlight assessment. Further objections were received stating that the additional information was not in line with BRE guidelines or the right of light criteria.

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 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

- 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 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)'.
- 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

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

London Plan (July 2015) (as amended 2016)

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

Policy 7.4 Local character
Policy 7.6 Architecture

Core Strategy

- 5.6 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 5 Areas of Stability and Managed Change
Core Strategy Policy 15 High quality design for Lewisham

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 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:

5.8 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

Residential Standards Supplementary Planning Document (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 wider area;*
- *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.*

6.0 Planning Considerations

6.1 The relevant planning considerations for the proposal are the impact on the character and appearance of the existing property, surrounding area and on the amenities of neighbouring occupiers.

Design

6.2 The principle of a first floor rear extension is considered acceptable. It is noted that the neighbouring property at No.5 Firs Close features a similar extension at first floor level to the rear of the property. That extension was granted permission in 2013 (DC/13/84535), and while the Unitary Development Plan has since been superseded by the current Development Management Plan, the core principles of the policies relevant to both applications remain the same.

6.3 The proposed extension would be constructed from matching materials, as set out in paragraph 3.2 above, and would incorporate pitched roofslopes replicating the design and materiality of the subject property. In this regard, the proposed materials are considered to be acceptable.

6.4 In terms of massing, the proposed extension is considered to be of an appropriate size in relation to the subject property and would retain the height of the existing eaves of the property. While the extension would not be set down from the existing ridge line, given that the proposal is for a rear extension, this is

considered acceptable as it would give the appearance of a standard two storey rear addition when viewed from the side elevation.

- 6.5 The associated alterations to the existing single storey rear extension, which adjoins the rear wall of the main house, are considered to positively contribute to the appearance of the dwelling, by removing the existing run down wooden cladding. The proposed London stock would therefore be a marked improvement on the existing finish.
- 6.6 While the extension would be visible from the public realm, as it would be in matching materials it would appear as a coherent addition to the host dwelling. It would also be set back from the public realm by approximately 16m, and as previously highlighted, would appear as a standard two storey rear addition from the side elevation. Furthermore, it is noted that other properties within the area feature similar extensions, such as that to the rear of 5 Firs Close. As such the proposed extension is not considered to have any significant impact on the local street scene.
- 6.7 The proposed extension is therefore considered to be acceptable at this property due to its scale, form and materials proposed. It would not have a significant impact on the character and appearance of the property itself or surrounding area in accordance with Core Strategy Policy 15, DM Policies 30 and 31 and paragraph 6.2 of the Residential Standards SPD.

Impact on the amenity of neighbouring occupiers

- 6.8 The adjoining site to the west, 9 Firs Close, is a nursery and as such there is no residential amenity that would be affected by the development. Furthermore, as the proposed extension would be approximately 4.5m from the shared boundary and 8.5m from the neighbouring building, it is not considered that the proposal would result in any significant overshadowing or loss of light to No.9.
- 6.9 The extension would feature a window at first floor level facing toward the shared boundary with No.9. However, given the nature of the neighbouring property, coupled with the large setback from the shared boundary, the impact on privacy is considered to be negligible.
- 6.10 The daylight and sunlight study shows that the proposal would result in some additional overshadowing to the side garden of 5 Firs Close during the mid-afternoon. However, the study shows that no light would be lost from either the ground floor or first floor windows, nor would the proposal result in a significant amount of additional overshadowing of the neighbouring garden, in comparison to what already occurs. As such, Officers do not consider that the proposed extension would result in any detrimental loss of light to the adjoining property. Officers also note that No.5 benefits from a similar first floor extension to the rear of their property, approved in 2013, which does not appear to have caused any substantial loss of light along the application site's boundary.
- 6.11 The extension itself would be located 5.6m from the boundary with No.5 and 9.8m from the west facing elevation of the neighbouring dwelling. As such, the proposal would not result in any overdominance or create a sense of enclosure to the habitable rooms or the garden of No.5. Moreover, this is considered minimal and unlikely to detract from the amenity of the property.

- 6.12 With regard to privacy, as the eastern side elevation would not feature any windows, there would be no implication on the privacy of the neighbouring occupiers.
- 6.13 As the approved dwellings within 5a would be located to the south of the application property, there would be no impact with regard to loss of light or overshadowing.
- 6.14 The main impact of the proposed development on the neighbouring plot would be one of privacy, arising from the inclusion of the window within the rear elevation of the proposed extension. Given the presence of the existing window at first floor level, the inclusion of the proposed window, which would be 3.5m closer to the boundary than the existing, is not considered to result in any significant increase in overlooking in comparison to what may already occur at the site. The proposed window would be located 3.6m from the shared rear boundary and 9.6m from neighbouring property, whose first floor windows would include louvered screens to aid in the privacy of that development.
- 6.15 It is also noted that the extension at No.5 contains a window in the same location as that which is proposed, 3.1m from the rear boundary. In the same way that window was not considered to give rise to any detrimental privacy issues for the approved development at 5A when it was determined, Officers have no reason to think that the currently proposed window would have any more of an impact.

Other properties

- 6.16 As the proposed extension would be contained totally to the rear of the application site, it would have no impact on the neighbouring properties on the north side of Firs Close.
- 6.17 The proposal is therefore considered to have an acceptable impact on neighbouring amenity.

Parking

- 6.18 With regard to residential extensions, parking stress does form one of the planning considerations when determining applications of this type. Nevertheless, the property features a large area of existing hardstanding to the front of the site which can facilitate at least two vehicles. As such, Officers consider the amount of parking currently available at the site to be appropriate for a property of this size. Moreover, Officers again refer back to the similar extension approved at No.5, which did not include provision for additional parking. Given that this property features no off street parking, Officers consider that it unreasonable to expect this for the current proposal.

Legality of existing structures

- 6.19 The objections also raised concerns regarding the unauthorised construction of the existing structures at the application property. While it is acknowledged that the extensions do not benefit planning permission and would not constitute permitted development, it was apparent to Officers on site that the structures have been in place for more than four years. As a result they would now be immune from enforcement action.

7.0 Conclusion

7.1 It is considered that, at this particular site, the proposal represents an acceptable development as its scale is appropriate to the size of the property, the proposed materials would match those of the host dwelling and its impact on the amenities of the neighbouring occupiers would not be significant.

8.0 **RECOMMENDATION: GRANT PERMISSION** subject to the following conditions:

8.1 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.

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

101; Block Plan; Site Plan; Design & Access Statement Received 24/08/16; 201 Received 15/09/16; Daylight and Sunlight Drawings Received on 02/11/16; Additional Daylight and Sunlight Drawings Received 02/11/16

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.