

Committee	PLANNING COMMITTEE C	
Report Title	53 Haddington Road, Bromley, BR1 5RG	
Ward	Whitefoot	
Contributors	Georgia McBirney	
Q21	PART 1	31 August 2017

<u>Reg. Nos.</u>	DC/17/102460
<u>Application dated</u>	08/07/2017
<u>Applicant</u>	Cllr Alan Smith
<u>Proposal</u>	The construction of a first floor rear extension at 53 Haddington Road, BR1.
<u>Applicant's Plan Nos.</u>	53HAD-1; 53HAD-2; 53HAD-3; 53HAD-4; Shadow Impact; Block Plan and Site Location Plan
<u>Background Papers</u>	Case File LE/486/53/TP Local Development Framework Documents The London Plan
<u>Designation</u>	N/A
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application relates to a two-storey, end of a short-terrace, single-family dwellinghouse located on the western side of Haddington Road. The property has a brick and render finish, and has uPVC fixtures.
- 1.2 The property features an existing single storey rear extension, which extends the full width of the dwellinghouse. The extension features a flat roof.
- 1.3 The surrounding area is primarily residential in nature, comprising of semi-detached and terraced properties.
- 1.4 The property is not located within a conservation area and is not subject to an Article 4 Direction. The property is not a listed building.

2.0 Planning History

- 2.1 **DC/92/035101** - Determination under Section 64 of The Town and Country Planning Act 1990 as to whether the erection of a single storey extension at

the rear of 53 Haddington Road Kent would require planning permission.
Granted 16/06/1992

- 2.2 **PRE/17/101957** - The construction of a first floor rear extension at 53 Haddington Road, BR1. **Response sent 04/07/2017**

3.0 Current Planning Applications

The Proposal

- 3.1 The application proposes the construction of an extension at the first floor level to the rear of 53 Haddington Road, on top of the existing single storey rear extension.
- 3.2 The first floor extension would have a depth of 2.79m and a width of 2.74m. The extension would incorporate a flat roof, which would sit below the eaves of the roof of the main dwellinghouse by 0.10m. The proposed finish would be render to match those of the main house and the existing extension.
- 3.3 The proposed extension would feature two windows; one would be within the rear elevation and one within the flank elevation facing No.55 Haddington Road, which is shown as obscure glazed and fixed shut. The windows would be white uPVC to match the existing features.

4.0 Consultation

- 4.1 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.
- 4.2 A site notice was displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors.
- 4.3 No objections or comments were received during the consultation period.
- 4.4 Although no objections have been received, this matter is referred to committee, as the applicant is a Member of the Council.

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

London Plan consolidated with alterations since 2011

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 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 principle of development, impact on the character and appearance of the existing property, surrounding area and on the amenities of neighbouring occupiers.

Principle of Development

- 6.2 The principle of an extension is considered acceptable, given the existing residential nature of the property and in the context of DM Policy 1, which

supports sustainable development, subject to considerations of other relevant matters including design and impact on neighbouring amenity.

- 6.3 It is noted that the neighbouring property at No.55 Haddington Road benefits from an original two storey rear projection and a single storey rear extension.

Design

- 6.4 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development including individual buildings, public and private spaces and wider area development schemes.
- 6.5 Paragraph 63 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs, which help raise the standard of design more generally in an area. In addition to this paragraph, paragraph 64 states that permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions.
- 6.6 In relation to Lewisham, Core Strategy Policy 15 outlines how the council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the urban typology of the area.
- 6.7 DM Policy 30 requires planning applications to demonstrate a site-specific response which creates a positive relationship with the existing townscape, whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 6.8 DM Policy 31 requires alterations and extensions, including roof extensions to be of a high, site specific and sensitive design quality and respect and/or complement the form setting, period, architectural characteristics, and detailing of the original buildings. In addition, this policy requires high quality matching or complementary materials to be used, appropriately and sensitively in relation to the context.
- 6.9 The proposed extension would be constructed from matching materials, as set out in paragraph 3.2 above. In this regard, the proposed materials are considered acceptable.
- 6.10 In terms of massing, the proposed extension is considered to be of an appropriate size in relation to the host property and would retain the height of the existing eaves of the property. The proposed extension would be built in line with the side and rear wall of the existing single storey extension, giving

the appearance of a standard two-storey rear addition when viewed from the side elevation.

- 6.11 The extension would be visible from the public realm when viewed from Cotton Hill, and as it would be in matching materials, it would appear as a coherent addition to the host dwelling. It would be set back from the public realm by approximately 18m and seen in the context of the existing two-storey rear projection to No.55; as such, the proposed extension is not considered to have any significant impact on the local street scene.
- 6.12 The proposed extension is therefore considered acceptable at this property, due to its scale, form and the materials proposed. It would complement the form, detailing and materiality of the existing building and would therefore be in accordance with Core Strategy Policy 15, DM Policies 30 and 31 and paragraph 6.3 of the Residential Standards SPD.
- 6.13 Core Strategy Policy 15, DM Policies 30 and 31 and paragraph 6.2 of the Residential Standards SPD.

Impact on residential amenity

- 6.14 The proposed first floor rear extension would be situated 2.77m from the shared boundary with No.55 and approximately 6m from flank wall of No.55. As such, the proposal would not result in any over dominance or create a sense of enclosure on the habitable rooms or garden on No.55.
- 6.15 On the side elevation, facing No.55 an obscure glazed fixed shut window, which would prevent overlooking to No.55.
- 6.16 The proposed first floor rear extension would be situated 0.88m from the shared boundary with No.51. It has been noted that No.51 does not benefit from a first floor extension or original projection; therefore, the proposal would extend 2.79m past the rear wall of No.51. The proposed depth and height of the proposed extension is not considered to cause any unacceptable impacts in terms of loss of daylight/ sunlight or outlook. Given the separation distance and its position of north of No.51 particularly.
- 6.17 No windows are proposed in the flank elevation towards No.51; therefore, there would not be increase in overlooking.
- 6.18 The proposed extension incorporates a rear-facing window, although the proposed window is set forward 2.79m than the existing window on the rear elevation, any increase in peripheral overlooking would be negligible and considered acceptable given the residential setting and location of the application site.
- 6.19 If this application should be approved, Condition 4 proposes to remove certain permitted development rights in respect of the property.
- 6.20 Paragraph 017 of that part of the Planning Practice Guidance that is concerned with the use of planning conditions states that:

“Is it appropriate to use conditions to restrict the future use of permitted development rights or changes of use?”

Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances”.

- 6.21 However, as any future change to the side facing window in the 1st floor extension would significantly impact the amenity of the neighbouring property, and for the reasons stated in draft Condition 4, officers consider that exceptional circumstances exist to justify the limited removal of certain permitted development rights as set out in the proposed Condition 4.

7.0 Equalities Considerations

- 7.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 7.2 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 This application has been considered in light of policies set out in the development plan and other material considerations.
- 8.2 Officers consider the proposed development to be acceptable in principle, of no significant harm to the character of the host property or to residential amenity. It is therefore considered acceptable.

9.0 RECOMMENDATION: Grant 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:

53HAD-1; 53HAD-2; 53HAD-3; 53HAD-4; Shadow Impact; Block Plan and Site Location Plan

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.

4. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the window on side elevation facing No.55 at first floor level is to be obscure glazed & fixed shut and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

INFORMATIVES

A. 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. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

B. You are advised that all construction work should be undertaken in accordance with the 'London Borough of Lewisham Good Practice Guide: Control of Pollution and Noise from Demolition and Construction Sites' available on the Lewisham web page.