

Committee	PLANNING COMMITTEE A	
Report Title	70 Lee Park SE3	
Ward	Blackheath	
Contributors	John Miller	
Class	PART 1	12 th October 2017

Reg. Nos. DC/17/102718

Application dated 26.07.17

Applicant CMI Studio on Behalf of Ms Winchester

Proposal Construction of a single storey extension to the existing garage together with alterations to the first floor terrace and installation of rooflights and side windows at 70 Lee Park SE3.

Applicant's Plan Nos. EX002; EX003; EX004; Cover Letter Location Plan; SP001 Rev B; EX001 Rev B; SP002 Rev B received 15 August 2017; PL002 Rev A; PL001 Rev C; PL004 Rev A; PL003 Rev A received 21 September 2017

Background Papers

- (1) Case File LE/475/70/TW
- (2) Local Development Framework Documents
- (3) The London Plan

Designation None

Screening N/A

2.0 Property/Site Description

2.1 The application site comprises a two-storey, detached dwellinghouse on the eastern side of Lee Park, a residential street predominantly comprising a mix of dwellinghouses. The site in question is one of four identical properties constructed in the 1960's.

2.2 The site benefits from one road frontage along Lee Park, and is bounded by the Blackheath Conservation Area on the opposite side of Lee Park to the front and Lee Road to the rear, but is not located within the Conservation Area itself. The dwellinghouse is not a listed building, nor is it situated within the vicinity of a listed building

2.3 The houses which are identical to the site in question are numbers 72, 68, and 66 all of which front Lee Park.

3.0 Planning History

3.1 There is no relevant planning history for this property.

4.0 Current Planning Applications

The Proposals

- 4.1 Planning permission is sought for the construction of a single storey extension to the existing garage on the front elevation. The extension would provide a new roller door and paving into the entrance of the house.
- 4.2 The proposed extension would measure 3.3m wide, 2.55m high and 1.6m deep and would provide additional garage space on the front elevation. The ground floor extension would additionally form an extension of the existing balcony. Wrought iron railings would enclose this space measuring 1.1m high.
- 4.3 The two proposed rooflights would be located either side of the front elevation chimney stack measuring 0.5m high and 0.75m wide.
- 4.4 The proposed windows to the side elevation would replace the existing porch area to provide a loggia, and would be fitted with lumisty film to obscure the glazing.
- 4.5 All replacement materials are to match existing.

5.0 Consultation

- 5.1 This section outlines the consultation carried out by 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.
- 5.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. The Blackheath Society, and the Councils Conservation Department were also consulted as the site is bounded by the Blackheath Conservation Area.

Written Responses received from Local Residents

- 5.3 Objections were received from 4 local residents which are relevant to the assessment of the planning application:
- Proposed features break the character of the identical houses along the street negatively impacting the architectural character.

Note: As a result of the objection received, the applicant reduced the number of roof lights from 5 to 2 and amended the proposed glazed balustrade to railings to match the existing balcony and group of dwellings.

Conservation Officer

- 5.4 The Council's Conservation Officers have offered no objection to the proposed development

Written Responses received from the Blackheath Society:

- 5.5 The Blackheath society did not wish to comment on the application.

6.0 Policy Context

Introduction

6.1 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)

6.2 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

6.3 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)'.

6.4 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.

London Plan (2016)

6.5 The London Plan policies relevant to this application are:

Policy 5.3 Sustainable design and construction

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

Core Strategy

6.6 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 1 Lewisham Spatial Strategy

Core Strategy Policy 8 Sustainable design and 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

6.7 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:

6.8 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 (August 2006)

6.9 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.

7.0 Planning Considerations

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

- a) Principle of Development
- b) Design

- c) Impact on Adjoining Properties
- d) Ecology and Landscaping

Principle of Development

7.2 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 single 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.

7.3 Design

7.4 The dwelling as existing is one of four identical 1960's detached dwellinghouses, and while bounded by the Blackheath Conservation Area it is not directly located in the conservation area. The dwelling is neither locally listed or considered to be of architectural merit where alterations to the front elevation are objectionable. The Council's Conservation Officers have raised no objection to the proposed changes.

7.5 The design changes are modest with the garage extension and balcony extending to meet each other. The distinctive L shaped footprint of the building would remain. The design will closely replicate the existing through the use of matching materials and consistent elevations.

7.6 The proposed rooflights on the main front roof slope are centrally located and are unobjectionable. They would be considered lawful if submitted under a Lawful Development Certificate.

7.7 The proposed design changes to the side elevation to provide extra windows (to be covered with lumisty film to obscure the glazing) would be barely visible from the public realm and are considered acceptable subject to neighbouring amenity which is discussed below. The proposed extra windows in the side elevation would face the side elevation of No. 72 Lee Park, and which side elevation contains windows to non - habitable rooms.

7.8 As the proposal only slightly amends the existing structure, it would be proportionate to its scale and the size of the front garden. Furthermore the materials proposed are considered to be appropriate and an example of high quality design and would complement the host property.

7.9 Impact on Adjoining Properties

7.10 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

7.11 The proposal would not have any impacts on the amenity of adjoining neighbouring properties as it is of a similar scope of what is existing. Furthermore, the new openings and extended balcony do not permit any additional overlooking onto adjoining neighbouring properties (that has not already been established), or properties on the opposite side of Lee Park Road.

7.12 Officers recommend that is this application is approved conditions are imposed to remove certain permitted development rights in respect of the site. Paragraph 017 of that part of the Planning Practice Guidance that is concerned with the use of planning conditions states that "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”. Officers in this case consider that exceptional circumstances exist to justify the limited removal of the following permitted development rights.

- 7.13 In this instance, obscure glazing to the side elevation first floor glass panel is sought because of the arrangement of the proposed building and relationship to existing neighbouring properties and the need to manage amenity considerations. It is not considered that the first floor windows require to be obscure glazed, given the distance to the boundary and their view over the front garden and public highway. The obscure glass panel however, is much closer to 72 Lee Park.

8.0 Equalities Considerations

- 8.1 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.
- 8.2 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. Having considered the proposals, there are no matters of equality in this instance.

9.0 Conclusion

- 9.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 9.2 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

10.0 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:

EX002; EX003; EX004; Cover Letter Location Plan; SP001 Rev B; EX001 Rev B; SP002 Rev B received 15 August 2017; PL002 Rev A; PL001 Rev C; PL004 Rev A; PL003 Rev A received 21 September 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. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the first floor glass panel on the side elevation, shall be fitted as obscure glazed as referenced in drawing PL004 Rev A 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

- (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, positive discussions took place which resulted in further information being submitted.