

Committee	PLANNING COMMITTEE C	
Report Title	165 UPPER BROCKLEY ROAD SE4 1TG	
Ward	Brockley	
Contributors	John Miller	
Class	PART 1	23 November 2017

Reg. Nos. DC/17/103945

Application dated 05.06.2017

Applicant Bolans Architects on behalf of Klear Limited.

Proposal An application submitted under section 73A of the Town & Country Planning Act 1990 for planning permission for the retention of a built part single, part two-storey three bedroom house with associated landscaping and provision of bins and bicycle stores on land south of Upper Brockley Road SE4 (sited to the rear of 163 Upper Brockley Road). in order to allow for the increased massing of the built building at 165 Upper Brockley Road

Applicant's Plan Nos. Statement in support of amendments to approved scheme received 6 September 2017;  
BA16546AE101 Rev A; BA16546AP102;  
BA16546AP103; BA16546AP104;  
BA16546AE102 Rev B

Background Papers

- (1) Case File DC/104/161/TP
- (2) Core Strategy (2011) Development Management Local Plan (2014)
- (3) Local Development Framework Documents
- (4) The London Plan

Designation Brownfield Site  
Brockley Conservation Area  
Article 4

## **2.0 Property/Site Description**

2.1 The application site comprises a recently constructed two storey 3 - bedroom dwellinghouse on the south side of Upper Brockley Road currently known as 165 Upper Brockley Road. The site forms part of the 'island' bounded by Upper Brockley Road and Geoffrey Road that contains both dwellings and commercial premises.

2.2 Historically, the site formed part of the rear garden to 163 Upper Brockley Road (as shown on historic maps of the area). The site has a frontage of approximately 16m to Upper Brockley Road; on the opposite side of Upper Brockley Road is a single storey building and two storey terraced houses. To the east is the

remaining rear garden of 163 Upper Brockley Road. To the south is the rear garden of 161 Upper Brockley Road and to the west is 1 Geoffrey Road, which is a two storey, detached house. The site is situated within the Brockley Conservation Area, and is subject to an Article 4 Direction. The dwellinghouse is neither a statutory nor a locally listed building, nor is it within the setting of any statutory or locally listed buildings.

### **3.0 Planning History**

- 3.1 2012: DC/12/81710 - Planning permission was refused for the construction of a two-storey three bedroom house with associated landscaping and provision of bins and bicycle stores on land south of Upper Brockley Road SE4 (sited to the rear of 163 Upper Brockley Road).

The reasons for refusal are as follows:

1. The proposed development, as a result of its height, bulk, massing, siting and layout would fail to establish an acceptable relationship with the surrounding context and would result in harm to the character and appearance of the conservation area, contrary to Objective 10 Protect and enhance Lewisham's character and Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policies URB 3 Urban Design, URB 6 Extensions and Alterations and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas of the adopted UDP (July 2004).
2. The proposed development, as a result of inadequate daylighting, outlook and lack of amenity space, would fail to provide a suitable standard of accommodation for future occupiers, contrary to policies HSG 5 Layout and Design of New Residential Development, HSG 7 Gardens of the adopted UDP (July 2004) and the Residential Standards SPD (August 2006).
3. The proposed development, as a result of its height, bulk and siting would result in an un-neighbourly development and an unacceptable sense of enclosure when viewed from the neighbouring properties and their gardens, contrary to Policies HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 8 Backland and In-fill Development of the adopted UDP (July 2004).

An appeal against this refusal was dismissed on the basis that the design of the building would not promote or reinforce local distinctiveness and the proposed new development would not successfully integrate into the historic environment. The scale of the dwelling was also considered to be oppressive and that it would result in an excessive sense of enclosure for surrounding occupiers.

- 3.2 2014: DC/14/88637 – Planning permission was granted in December 2014 for the construction of a part single, part two-storey three bedroom house with associated landscaping and provision of bins and bicycle stores on land south of Upper Brockley Road SE4 (sited to the rear of 163 Upper Brockley Road).
- 3.3 DC/15/91814 – Planning permission was granted in September 2015 for an application submitted under Section 73 of the Town and Country Planning Act

1990 for minor material amendments to allow the variation of Condition (2) of the planning permission referenced DC/14/88637 dated 29 December 2014 for the construction of a part single, part two-storey three bedroom house with associated landscaping and provision of bins and bicycle stores on land south of Upper Brockley Road SE4 (sited to the rear of 163 Upper Brockley Road), in order to allow the revision to massing and internal layout changes outlined below:

- Internal alterations to the layout of the ground and first floor.
- Increasing the width of the first floor to 7.85m.
- Increasing the depth of the first floor to 8m.
- Increasing the height of the building to 5.85m.
- Repositioning of windows on the North elevation.
- Repositioning and re-sizing of roof light panel on the east elevation.
- Repositioning of windows on the south elevation.
- The proposed house would fill the depth of the site and would be up to 5.85m high, a maximum of 8.5m deep (narrowing to 7.2m) due to the tapering shape of the site and up to 11m wide

3.4 2016: EN/16/00277: In 2016 an Enforcement enquiry was opened regarding the windows on the South elevation facing 163 Upper Brockley Road. On 10/07/17 enforcement, action was closed stating, “no further action needed as windows are now non-opening and opaque”.

3.5 DC/17/101922: An application was withdrawn in October 2017 for: An application submitted under section 73 of the Town & Country Planning Act 1990 for a minor-material amendment to application reference DC/14/88637 for the construction of a part single, part two-storey three bedroom house with associated landscaping and provision of bins and bicycle stores on land south of Upper Brockley Road SE4 (sited to the rear of 163 Upper Brockley Road) in order to allow for the increased massing of the built building.

#### **4.0 Current Planning Applications**

##### The Proposal

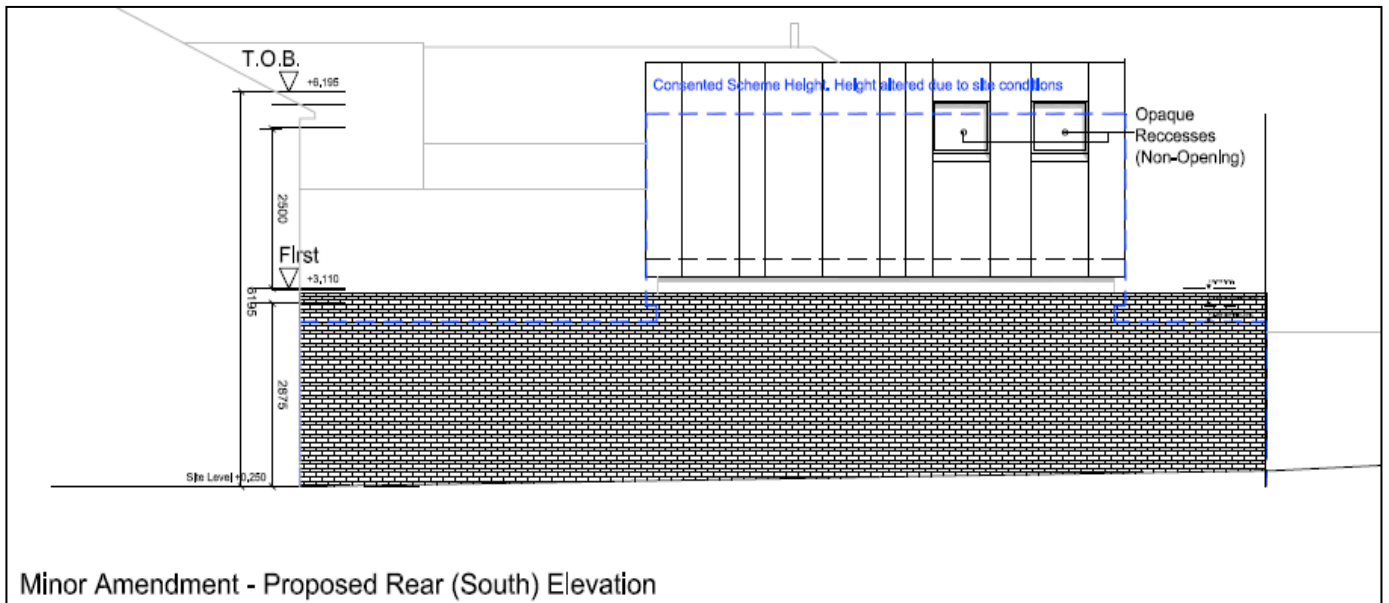
4.1 This would be (if granted) the third permission on this application site. The originally approved scheme was amended and approved (as referenced above) but was not implemented. The applicant has constructed a variation of the originally approved scheme for which this application seeks retrospective permission for the dwelling as a whole.

4.2 Planning permission is therefore sought for the building as built. The first amendment (2015) altered the internal layout, massing and window locations. The current proposal intends to authorise the increased massing of the building, whilst

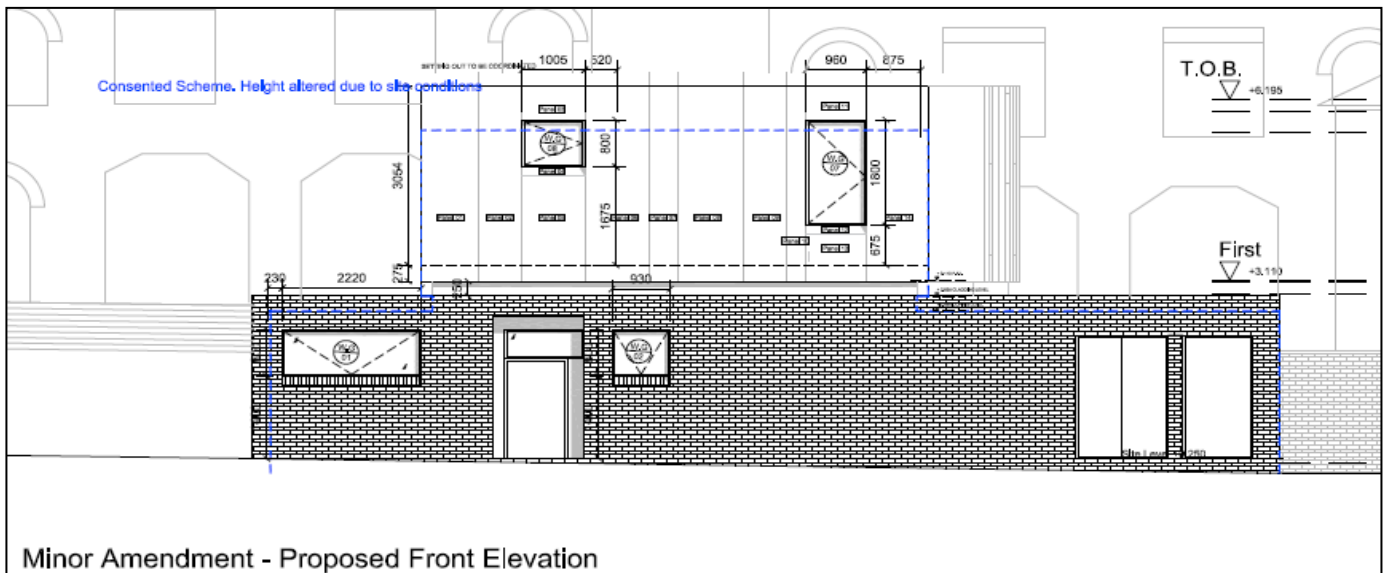
the internal layout, and window locations remain the same as the first amended proposal. The design has remained consistent throughout in terms of materials.

- 4.3 The ground floor is set behind a 2.8m-3m boundary wall fronting Upper Brockley Road and the dwelling would be accessed directly from Upper Brockley Road. The ground floor comprises a kitchen/ living room and a bedroom. The first floor with two bedrooms is designed as a 'pop up' box, clad in copper finished cladding designed to fit over the brick base.
- 4.4 The dwelling as constructed measures 6.45m high a maximum of 8.5m deep (narrowing to 7.2m) due to the tapering shape of the site and up to 11.9m wide
- 4.5 The rear garden area measures 27 sqm and would be directly adjacent to the rear gardens of No. 1 Geoffrey Road and 161 Upper Brockley Road. A refuse store is located within the garden with an access door opening onto the footway of Upper Brockley Road. There is a further opening in the boundary wall fronting Upper Brockley Road which provides a secondary access to the rear garden. No off-street parking is proposed.
- 4.6 This is the third proposal (although retrospective in this case) for a dwelling on this site. The as built changes to the scheme from the approved (but not implemented) first minor material amendment (2015) are as follows:
- Maximum height of the ground floor level increased 0.3m (to 2.8-3m)
  - Maximum width of ground floor increased 0.9m (to 10.5m)
  - Maximum height at first floor level increased 0.6m (to 6.4m)
  - Maximum width of first floor level increased 0.9m (to 9m)
  - Maximum depth of first floor level reduced 0.3m (to 7.9m)
  - Reduction in garden size of 5sqm as a result of massing changes
  - A 16.2m wide (3m high) retaining wall built along the boundaries with 161 and 163 Upper Brockley Road

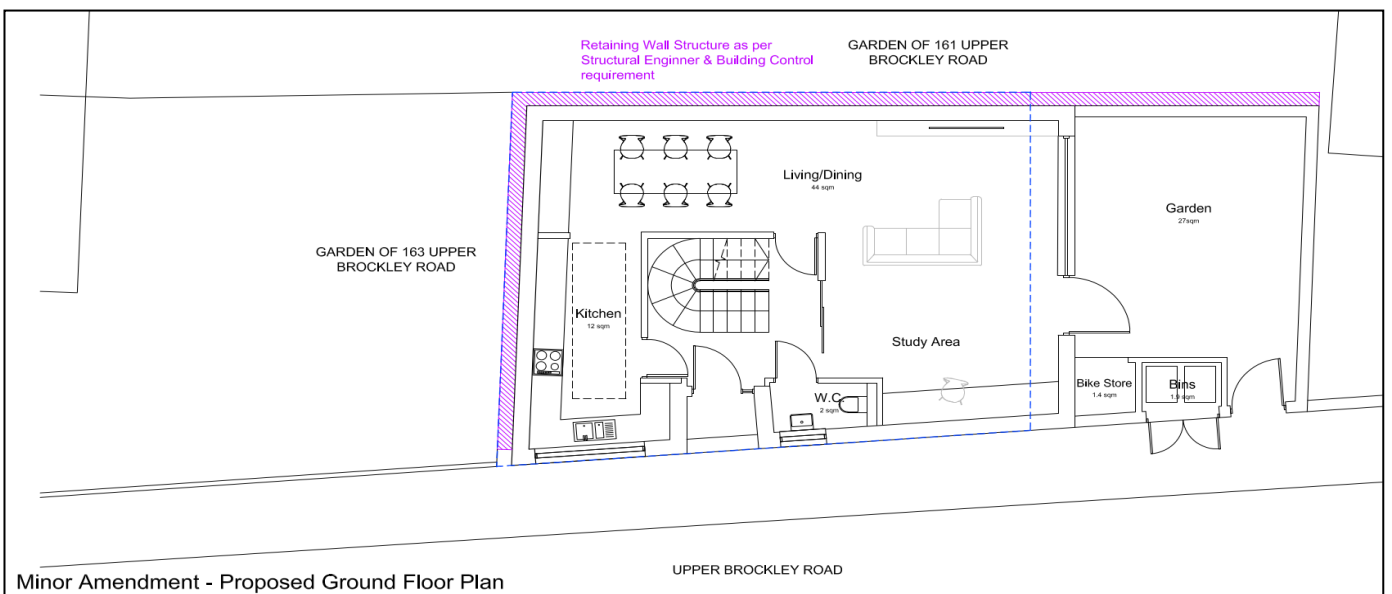
Drawings of the proposed changes are shown below (the dotted outline represents the layout of the originally amended drawings):



Minor Amendment - Proposed Rear (South) Elevation



Minor Amendment - Proposed Front Elevation



Minor Amendment - Proposed Ground Floor Plan

### Supporting Documents

- 4.7 Supporting Statement – this provides a supporting response to the revised scheme and seeks to address why the proposal has changed further. It states that the revised proposals have no adverse impact upon heritage assets.
- 4.8 Massing Views – Drawings providing a series of views of the dwelling from surrounding view points and is accompanied by a series of detailed drawings showing key building junctions.

### **5.0 Consultation**

- 5.1 This section outlines the consultation carried out 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.
- 5.2 Site and public notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

### Written Responses received from Local Residents and Organisations

- 5.3 Notification letters were sent to neighbouring properties and to local ward councillors. 20 representations were received from different addresses, 11 in support and 9 in objection. These are summarised below:

#### 5.4 Objections:

- The property does not enhance the character or appearance of the Brockley Conservation Area.
- Windows are not blank opaque recesses as stated in plans
- Dishonest approach and disregard to neighbouring concerns which goes in direct contrast to the previously refused and appealed decision
- Increase in length and height has turned the development into one that dominates the street and surrounding houses.
- Dwelling now blocks amenity of surrounding properties.

#### 5.5 Support

- This house positively contributes to the street scene.
- Amendments to do not cause additional harm.

### Brockley Society

- 5.6 The Brockley Society have objected on the basis that not enough information has been provided to fully address the changes with specific mention of the building height, window changes, fire safety compliance and building control regulations.

## **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, Development Plan Document (DPD) (adopted in June 2011), the Development Management Local Plan (November 2014) and policies in the London Plan (2016). 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 and Development Management policies 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

6.5 The other relevant national guidance is:

Climate change  
Conserving and enhancing the historic environment  
Design  
Renewable and low carbon energy  
Tree Preservation Orders and trees in conservation areas  
Use of Planning Conditions

#### London Plan (2016)

6.6 The London Plan policies relevant to this application are:

Policy 3.3 Increasing housing supply  
Policy 3.4 Optimising housing potential  
Policy 3.5 Quality and design of housing developments  
Policy 3.8 Housing choice  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.7 Renewable energy  
Policy 5.8 Innovative energy technologies  
Policy 6.9 Cycling  
Policy 6.13 Parking  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 8.3 Community infrastructure levy

#### London Plan Supplementary Planning Guidance (SPG)

6.7 The London Plan SPG's relevant to this application are:

Housing (2012)  
Sustainable Design and Construction (2006)

#### Core Strategy

6.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, Development Management Local Plan, the Lewisham Town Centre 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 1 Housing provision, mix and affordability  
Core Strategy Policy 14 Sustainable movement and transport  
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



6.9 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:

6.10 The following policies are considered to be relevant to this application:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable Design and Construction
DM Policy 25	Landscaping and Trees
DM Policy 27	Lighting
DM Policy 29	Car Parking
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas
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)

6.11 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.

#### Brockley Conservation Area Supplementary Planning Document (December 2005)

6.12 This document advises on the content of planning applications, and gives advice on external alterations to properties. It lays out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimneystacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details. It also sets out detailed guidance on the limited development that will be accepted within Brockley Mews - mainly within Harefield Mews.

## **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) Housing
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy

#### Principle of Development

- 7.2 The power to grant a planning application retrospectively is found (subject to limitations) in s.73A. of the 1990 Act.
- 7.3 An application under s73A is effectively a planning application in all respects, other than the development for which planning permission is being sought has already been carried out.
- 7.4 The differences between the planning permission DC/15/91814 and what has been built relate to the massing and scale of the built building. The differences are considered minor when judged against the scheme in its entirety and does not change the nature of the approved scheme (one single dwelling) and are therefore considered acceptable.

#### Design and Conservation

- 7.5 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 the area'.
- 7.6 Policy 3.5 'Quality and design of housing developments' of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context.
- 7.7 Core Strategy Policy 15 states that 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 local context and responds to local character. Policy DM 30 of the Development Management Local Plan that the Council will require all developments to attain a high standard of design.
- 7.8 Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment states that new development should be of high quality design and should preserve the historic environment and sense of place. Development Management Policy 36 New Development, changes of use and alterations affecting designated heritage asset and their setting advises that planning permission will not be granted if the proposed development is deemed incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 7.9 Planning permission has been granted and amended for a two storey 3 bedroom building on the site in contemporary design, arranged as a ground floor brick wall with metal box at first floor. The dwelling as constructed retains these principles and is considered to be acceptable and not visually dissimilar from what was originally approved.

- 7.10 The building as constructed is now wider, and taller but shallower at first floor level than previously amended, but retains the same design contemporary design principles were and are considered acceptable.
- 7.11 The increased massing is not considered to negatively affect the design of the building and is considered to remain high quality design. The first floor element remains a similar distance to no. 1 Geoffrey Road as approved by planning permission DC/15/91814 with views through the plot across to Geoffrey Road maintained as previously approved.
- 7.12 The applicant's reasoning behind the retrospective changes in massing were that during construction it was found that existing infrastructure such as pipework had to be built over requiring deeper foundations thereby raising the finished floor levels and overall height of the building.
- 7.13 The length of the building was slightly increased because the structural engineer and private building control Inspector's specified the need for retaining walls with 161 and 163 Upper Brockley Road. This was due to the differences in ground levels between 161 and 163 Upper Brockley Road, and the application site.
- 7.14 Although retrospective in nature, officers consider the development as built from a design perspective are acceptable and of a high quality, suitable for the Brockley Conservation Area.
- 7.15 As the application site is situated in the Brockley Conservation Area, s72 of the Town and Country Planning Act 1990 has to be considered by the Council, which requires the Council to pay with respect to any buildings or other land in a conservation area, special attention to the desirability of preserving or enhancing the character or appearance of that Conservation Area.
- 7.16 Paragraph 132 of the National Planning Policy Framework (NPPF) states: "*When considering the impact on a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.*"
- 7.17 Paragraph 134 of the NPPF states: "*Where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*"
- 7.18 As such, the change of use that has occurred is not considered to have caused a material change in the contribution of the site property to the character and appearance of the Brockley Conservation Area, and the built development is therefore considered not negatively effect the preservation or enhancement of the character or appearance of the Brockley Conservation Area
- 7.19 The principle of the constructed dwelling is therefore considered acceptable in this instance, as is the impact of the scheme upon the Brockley Conservation Area.

#### Standard of Accommodation

- 7.20 The dwelling as constructed provides a GIA of 120 sqm, which exceeds the minimum standards set out in the London Plan. Furthermore, it is considered that the internal layout is practical, with all rooms being of an acceptable size, which therefore raises no objections.

- 7.21 The constructed dwelling would have a garden depth of approximately 5.3m, covering an area of 27 sqm. This represents a reduction from the 32 sqm on the previously approved proposal. However, no objection to a smaller garden is given due to the urban location as officers consider the shape and size practical for recreational purposes with adequate privacy for occupants.

#### Highways and Traffic Issues

##### *a) Access and car parking*

- 7.22 The dwelling as constructed does not propose alterations to the access, which remains via Upper Brockley Road. No car parking is proposed as before which remains unobjectionable given the PTAL of 4 and good access to public transport.

##### *b) Cycle Parking*

- 7.23 The proposal will still provide secure, covered cycle parking in accordance with Table 6.3 of the London Plan. These are located in a store within the garden, accessible via a gate from the street.

##### *c) Refuse*

- 7.24 The proposal provides storage for two refuse bins that will be accessed from the street. This arrangement will provide for recyclable and non-recyclable waste and is considered to be acceptable.

#### Impact on Adjoining Properties

- 7.25 Core Strategy Policy 15 requires that any adverse impact on neighbouring amenity arising from development proposals will need to be addressed. DM Policy 32 states that development proposals will be required to be attractive and neighbourly, provide a satisfactory standard of privacy, outlook and natural lighting for its future residents and neighbours and meet the functional requirements of its future residents.
- 7.26 The first refused scheme proposed a building built up hard to the boundary with the rear garden of no. 163 Upper Brockley Road at a height of two storeys. This was considered to be visually overbearing and therefore detrimental to residential amenity. The amended 2014 approved scheme removed the first floor mass from the boundary, retained in the first 2015 amended scheme.
- 7.27 The further revised now built dwelling has positioned the eastern ground floor against the boundary with no. 163 Upper Brockley Road with the first floor element positioned at the west side of the building, closer to no. 1 Geoffrey Road, consistent with the previous approved schemes. The revisions to the massing are not significantly different from originally approved therefore the changes are acceptable.
- 7.28 Objections have been made regarding the 'non-opening blank opaque recesses.' It is submitted, that the two windows in the rear, southern elevation of the building are opaque and non-opening and the windows do not have any adverse impact in terms of loss of privacy through overlooking. This issue has therefore been fully addressed and the relationship is considered to be acceptable.
- 7.29 The proposal remains to have an acceptable 'back to back' distance to No.163 Upper Brockley Road, which as the previously approved application states no longer results in an unacceptable degree of enclosure. The proposals are not

considered to have a significant detrimental impact on No. 161 Upper Brockley Road, which has a larger rear garden. Although the first floor element would be visible, from no. 161 Upper Brockley Road this is not considered to be materially harmful or to warrant refusal on grounds of excessive enclosure in what is a developed urban location.

- 7.30 It is considered that the amendments would not result in an unacceptable impact to amenity for neighbouring occupiers. It is noted that the majority of objections relate to the nature of the development and not the increased massing.
- 7.31 Concern has been raised regarding the ownership of boundary walls, however, land ownership is not a planning issue and where necessary, the developer would need to enter into party wall agreements with the owners of neighbouring properties.
- 7.32 With regard to the removal of certain permitted development rights, the National Planning Practice Guidance advises 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*”. For the reasons set out in draft conditions 11 -14, it is considered appropriate to remove the permitted development rights in this case.

## **8.0 Local Finance Considerations**

- 8.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), 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).
- 8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 8.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

## **9.0 Equalities Considerations**

- 9.1 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.
- 9.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality. In this matter there is considered to be minimal/no impact on equality.

## **10.0 Conclusion**

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

10.2 It is considered that the increased massing does not negatively affect the design or have an unacceptable impact on neighbouring amenity, and any harm to the Brockley Conservation Area will be compensated by the public benefit gained of an additional dwelling house. It is recommended that planning permission be granted. It is recommended that planning permission be granted.

## **11.0 RECOMMENDATION GRANT PERMISSION** subject to the following conditions:

### 1. Time Limit:

The development to which this permission relates must be begun not later than 29/12/2017.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990.

### 2 Accordance with Plans

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

#### **Still relevant drawings/documents previously approved under reference DC/14/88637:**

Heritage Statement, Sustainability Statement

#### **Still relevant drawings/documents previously approved under reference DC/15/91814:**

Design and Access Statement received 11/6/15

#### **Drawings/documents submitted under reference DC/17/101922**

Statement in support of amendments to approved scheme received 6 September 2017; BA16546AE101 Rev A; BA16546AP102; BA16546AP103; BA16546AP104; BA16546AE102 Rev B received 14 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.

#### 4. Code for Sustainable Homes

- (a) The buildings hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.
- (b) No development shall commence until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of the house, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (a) for that specific unit.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

#### 6. Refuse

- (a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Saved Policies URB 3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

#### 7. Boundary Treatments

- (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

**Reason:** To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Saved Policies URB 3 Urban Design and URB Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

8. Closure of vehicular access

The development hereby approved shall not be occupied until the existing vehicular access has been closed and the highway reinstated.

**Reason:** To ensure that the 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 Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

9. Lifetime Homes

The dwelling shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document).

**Reason:** In order to ensure an adequate supply of accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).

10. Plumbing and Pipes

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the building(s).

**Reason:** It is considered that such plumbing or pipes would seriously detract from the appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

11. Removal of permitted development rights

No extensions or alterations to the building hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

**Reason:** In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing



the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

12. Removal of permitted development rights

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in the elevations of the building other than those expressly authorised by this permission.

**Reason:** To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

13. Obscure glazing

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the window to be installed in the rear (eastern) elevation at first floor level serving the staircase of the building hereby approved shall be fitted as obscure glazed and fixed shut and retained as such in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with Saved Policy HSG4 Residential Amenity in the Unitary Development Plan (July 2004).

14. Use of Flat Roofs

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofs on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof areas shall be carried out, nor shall the roof areas 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 Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

16. Living Roof

The development shall be constructed with a biodiversity living roof details of which shall be submitted to and approved in writing by the local planning authority before development commences.

The living roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

**Reason:** To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2011), Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches 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 and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. Further information was submitted during the course of the application to clearly explain how the proposal as built differs from the previously granted.
2. Condition 5 was discharged under application reference DC/15/91816
3. Conditions 4, 6, 7, 8, and 16 remain outstanding and are overdue.