

Committee	PLANNING COMMITTEE C	
Report Title	Basement Flat, 89 Arbuthnot Road, SE14	
Ward	Telegraph Hill	
Contributors	TASS AMLAK	
Class	PART 1	29 March 2018

Reg. Nos. DC/17/104373

Application dated 3.11.2017

Applicant Mr Broome

Proposal The construction of a single storey rear extension containing 2 bedrooms and 1 bathroom at basement flat 89 Arbuthnot Road.

Applicant's Plan Nos. SB34.01, SB34.02, Block Plan, SB29.02, SB29.01, Location Plan and Shared Garden Area received on 3 November 2017

Background Papers (1) LE/447/58/TP
(2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)

Designation Telegraph Hill Article 4(2) Direction
Telegraph Hill Conservation Area

1.0 Property/Site Description

- 1.1 The application site relates to the basement flat of No. 89 Arbuthnot Road, SE14 which is a two storey end of terrace property on the north-eastern side of Arbuthnot Road.
- 1.2 The application property is located within the Telegraph Hill Conservation Area, and is subject to an Article 4 direction which removes permitted development rights.

2.0 Relevant Planning History

- 2.1 DC/09/07885: Planning permission was granted on 17 September 2009 for the construction of a pair of replica Victorian houses comprising two storeys, basement and attic at the front and three storeys, basement and attic at the rear, to the side of No 85 Arbuthnot Road and rear of Nos 78 & 80 Jerningham Road. The development as approved comprised 1, four bedroom dwelling house and 2, two bedroom self-contained maisonettes and 1 two bedroom flat, together with modifications to the roof of 85 Arbuthnot Road, associated landscaping and provision of bin and bicycle stores.

2.2 DC/17/103036 - Certificate of Lawful Development (Existing) in respect of the use of the Basement/lower ground floor maisonette at 89 Arbuthnot Road, SE14 as 2 two bedroom self-contained flats - Granted

3.0 Current Planning Application

3.1 The application seeks permission for a single storey rear extension, which would provide two bedrooms and a bathroom with access onto the garden.

3.2 The proposed extension is roughly triangular in shape, projecting off the rear elevation into the garden and would have a depth of 5.6 metres, a width of 8.2 metres and a height of 3.1 metres (2.5 metres to the eaves) with a flat Wildflower green roof.

4.0 Consultation

4.1 This sections outline the consultation carried out by the Council following the submission of the application and summarises the responses received.

4.2 13 neighbouring properties and local ward councillors were notified and the development was advertised in the local newspaper and by site notice – 1 objection was received raising concern with the sites development history, loss of garden space and overdevelopment of the site, projection towards neighbouring boundaries and change in views.

4.3 Telegraph Hill Society – Raised an objection: “the extension does not respect the form or materials of the existing building. The cumulative impact of extension in the conservation area will be harmful to the character”.

4.4 Conservation Officer – *No comment*

5.0 Policy Context

5.1 Introduction

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), the Development Management Local Plan (adopted November 2014) and policies in the London Plan (March 2016). The NPPF does not change the legal status of the development plan

5.2 National Planning Policy Framework

The NPPF was published on 27th March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a ‘presumption in favour of sustainable development’. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states that (paragraph 211); policies in the

development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs, 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months, old paragraph 215 comes into effect. This states in part that ‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

5.3 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

5.4 Other National Guidance

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

5.5 The London Plan 2016

The London Plan was updated on 14 March 2016 to incorporate the Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to further in this report. The policies in the current adopted London Plan (2016) relevant to this application therefore are:-

Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage Assets and Archaeology

5.6 Core Strategy

The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

5.7 Development Management Local Plan

The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

The following policies are considered relevant to this application:

DM Policy 30 Urban design and local character
DM Policy 31 Alterations/extensions to existing buildings
DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens.

5.9 Residential Standards Supplementary Planning Document (Updated 2012)

- 5.10 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self-containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.
- 5.11 Paragraph 6.3 (Materials) states that bricks and roofing material used to construct an extension should match those in the original building. However, the use of modern materials is supported where appropriate.
- 5.12 Paragraph 6.7 (Roof extensions) states that when considering applications for roof extensions the Council will look at these main issues:
- All roof alterations should be successfully integrated with and preserve the architectural character of the building, and be subordinate to the principal elevations.
 - Planning permission is always required for roof additions in Conservation Areas.
 - The type and style of windows used should be similar to those used in the main elevations and reflect their alignment.
 - The relevant planning considerations for the proposal are the impact on the character and appearance of the roofscape in terms of scale, design, and size of the proposed rooflights and dormer and the impact this would have on character of the conservation area together with the impact on neighbour amenities.

6.0 Planning Considerations

- 6.1 The relevant planning considerations for the proposal are the impact on the character and appearance of the host property and the conservation area, in terms of scale, massing, and design of the proposed extension. Furthermore, consideration would be given to the impact this would have on neighbour amenities.

7.0 Design

- 7.1 The proposed extension would have an acceptable size and scale in relation to the existing property and as such would remain subservient to the host property and neighbouring properties. The proposed extension will be proportionate and cohesive with the host building and the conservation area in which it sits. Although unconventional in shape, the extension is considered to be of a modest footprint and would provide additional living space for the unit.
- 7.2 The proposed extension would be finished in Seared larch timber cladding and will have a Wildflower green roof, which is considered acceptable and a high quality addition, appearing as a contemporary intervention. The proposed design would be viewed as a sympathetic addition to the host building, not being pastiche in design and complementary to the garden setting. Given that the proposed extension would be sited to the rear, the proposal would not be visible from public views and as such is not considered to alter the property's identity and would not cause harm to the character of the Telegraph Hill conservation area.
- 7.4 Concerns have been raised in relation to the proposed materials and whilst it is acknowledged that the proposed materials are not typical of the locality, the proposed single storey extension would not be seen from the public realm and would therefore not detract from the appearance of the Telegraph Hill conservation area. Therefore, the

proposed materials are considered acceptable and would have a neutral impact on the Telegraph Hill conservation area.

7.5 The proposed extension would be acceptable, as it would not be visible from the public realm, as such it would not cause undue harm to the property's character or the streets identity. The proposed alterations would be in character with other properties in the neighbourhood and therefore, acceptable.

7.6 The Council has a duty under the Planning Listed buildings and Conservations Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area. The proposal is located within the rear garden of the property and as such is considered to have a neutral impact on the conservation area.

8.0 Residential Amenity

8.1 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must therefore be demonstrated that proposed alterations are neighbourly and that significant harm will not arise with respect to overbearing impact, overshadowing, and loss of light, loss of outlook or general noise and disturbance.

8.2 The proposed extension will be sited within the basement flats private garden space, the occupiers of this property will still have use of the private lawn area and access to shared garden at the rear of the site, which access to is retained. Therefore, officers consider that the new garden arrangements are considered acceptable.

8.3 Concerns have been raised on the basis that the extension will be closer to the boundary of the neighbouring properties, however ,the extension will be sited more than 3 metres away from the boundary. Therefore, given the distance of the proposed extension from the neighbouring properties and the single storey nature of development, the proposed siting of the extension is acceptable and is not considered harmful to the residential amenities of the neighbouring properties.

8.4 The proposed extension will not permit the direct overlooking of the neighbouring properties and a condition that restricts the use of the roof of the extension as a balcony or amenity area is recommended.

8.5 In light of the above, the proposed development is considered acceptable and would not be harmful to the neighbouring amenity

9.0 Equalities and Human Rights Considerations

9.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

9.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
- (c) Foster good relations between people who share a protected characteristic and persons who do not share it

- 9.2 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.3 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 9.4 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 9.5 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and whom they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 9.6 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.
- 9.7 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term ‘engage’ simply means that human rights may be affected or relevant.
- 9.8 The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

10.0 Conclusion

- 10.1 The application’s proposal have been considered against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) London Plan (March 2016) and the National Planning Policy Framework (2012).
- 10.2 The proposed development is considered acceptable with regards to its design and would not cause harm to the character and appearance of the conservation area or neighbouring amenity. Permission is therefore recommended to be granted.

11.0 **RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following Conditions**

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

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

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

SB34.01, SB34.02, SB34.03, Block Plan, SB29.02, SB29.01, Location Plan and Shared Garden Area received on 3 November 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 use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area 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 Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

Informatives

Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.