

Committee	PLANNING COMMITTEE B	
Report Title	53 Canonbie Road, London, SE23 3AQ	
Ward	Forest Hill	
Contributors	Georgia McBirney	
Q21	PART 1	26 th April 2018

<u>Reg. Nos.</u>	DC/18/105333
<u>Application dated</u>	14/01/2018
<u>Applicant</u>	Mr & Mrs Perzanowska
<u>Proposal</u>	The conversion of an existing flat roof at 53 Canonbie Road, SE23, to a roof terrace with glass balustrading.
<u>Applicant's Plan Nos.</u>	2117.WD.08; 2217.WD.03; 2217.WD.04; 2217.WD.05A; 2217.WD.07 received 15th January 2018; 2217. WD.01B; 2217.WD.02B and 2217.WD.06C received 2nd March 2018
<u>Background Papers</u>	(1) Case File LE/50/53/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	PTAL 2
<u>Screening</u>	N/A

1.0 Property/Site Description

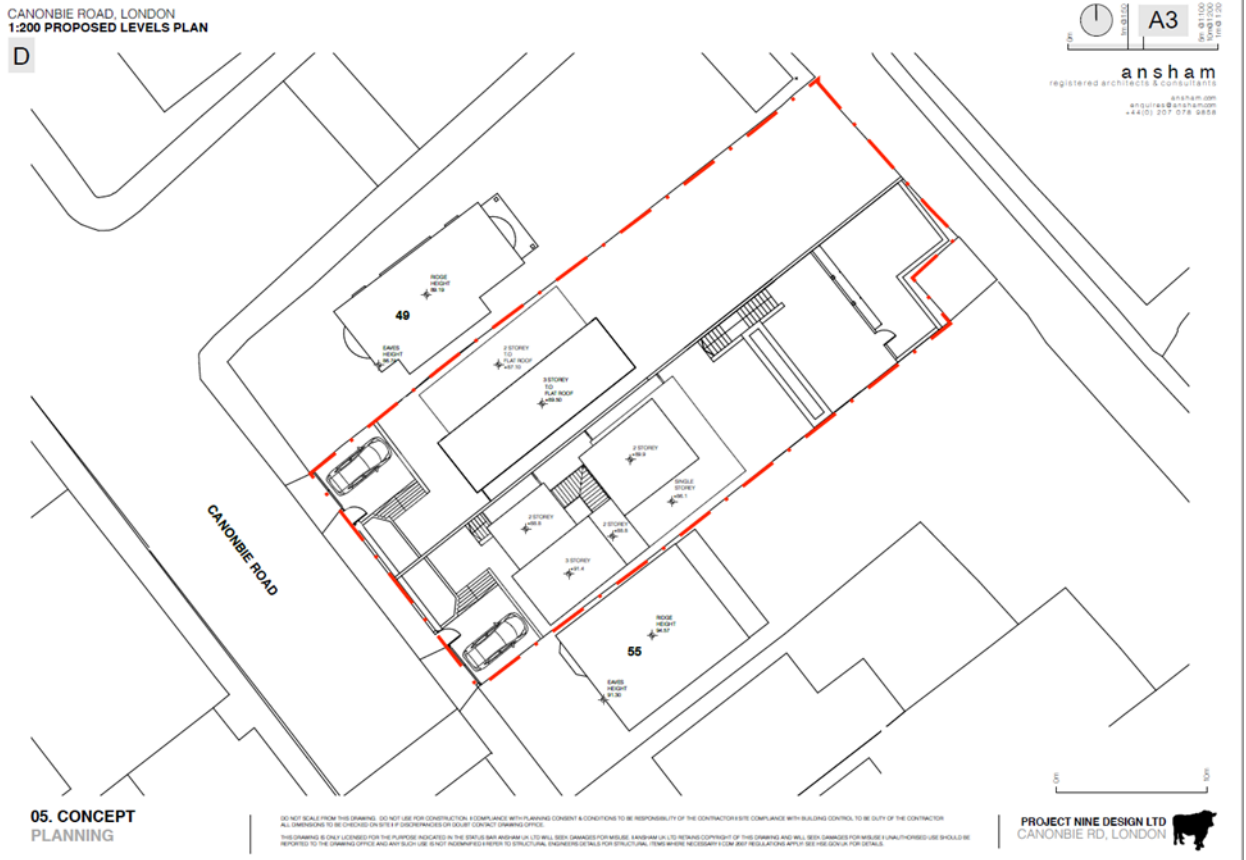
- 1.1 The application relates to a part two/three storey, detached single-family dwellinghouse, with a render finish and aluminium features. The property is situated on the eastern side Canonbie Road and was constructed in 2016.
- 1.2 The property has two flat roofs when viewed from the street and three flat roofs when viewed from the rear.
- 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/13/084386:** The demolition of the existing dwelling house at 51-53 Canonbie Road SE23, and the construction of two part 2/ 3-storey with basement, 4 bedroom houses, including a single-storey 'summerhouse' at the end of the rear garden of

'House 1', associated landscaping and the provision of 1 car parking space to the front of each house with access onto Canonbie Road.

2.2 It should be noted that this permission included the condition detailed below in paragraph 2.3. The application proposed four flat roofs, the condition in paragraph 2.3 relates only to the two flat roofs at the rear of the property, as shown on the plan below.



2.3 An assessment was made at the time of that application that the use of the flat roofs at the rear of the property as roof terraces would have an unacceptable impact on neighbouring amenity. For this reason, the following condition was attached to the permission:

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 roof areas at the rear of the buildings hereby approved shall be as set out in the application and no development or the formation of any doors providing access to the roofs shall be carried out, nor shall the roof areas be used as a balcony, roof garden or similar amenity space.

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).*

3.0 Current Planning Applications

The Proposal

- 3.1 The application proposes the conversion of an existing flat roof at 53 Canonbie Road, SE23, to a roof terrace with glass balustrading.
- 3.2 The flat roof of the second storey is proposed to be changed to a roof terrace. To facilitate this the existing window opening on the third floor facing No.51 Canonbie Road would be altered from a three paned aluminium window to a two paned aluminium window and a door to provide access to the proposed roof terrace. Decking is proposed to be laid on the flat roof.
- 3.3 The application was amended to reduce the extent of the proposed terrace and to reduce its visibility. The proposed terrace and frosted glass balustrading would be set back 0.60m from the parapet on the front of the roof and the frosted glass would project 0.85m above the parapet on all three side. The frosted glass balustrade would not be set back from the parapet on the side and rear. The proposed terrace would have an area of 12.71m².

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 Adjoining neighbours, Forest Hill Ward Councillors and the Forest Hill Society were consulted as a part of this application.

Written responses received from Local Residents and Organisations

- 4.3 An objection was received from a property situated to the rear of the application site on the following grounds:
- The proposed terrace would facilitate further overlooking into the side of the property and garden.
 - The application site already dominates the skyline and the addition of a roof terrace would be very intrusive.
- 4.4 An objection was received from a property on the same side of the street as the application site on the following grounds:
- The lower roofs of both Nos. 53 and 51 Canonbie Road are meant to be sedum roofs, providing benefits in terms of heat island effect and SUDs control; Nos. 53 and 51 are meant to be lifetime homes and compromising the SUDs element seems unacceptable in this context.
 - There would be significant overlooking in the rear garden of No.51, their adjoining neighbour.
 - It sets a precedent for the recently completed house (No.51) to convert their flat sedum roof into a roof terrace, which would be unacceptable in terms of overlooking.
 - The effects of noise and nuisance to the neighbourhood would be unacceptable.

- 4.5 An objection was received from the Tewkesbury Lodge Estate Resident's Association on the following grounds.
- The proposal would result in an unacceptable loss of privacy and amenity to neighbouring properties.

4.6 Copies of all representations are available for Members to view.

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(2016)

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

Policy 7.4 Local character
Policy 7.6 Architecture

Core Strategy

- 5.6 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

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

Development Management Local Plan

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

- 5.8 The following policies are considered to be relevant to this application:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings

6.0 Planning Considerations

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

Design

- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 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.
- 6.6 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. The property was approved with flats roofs, the flat roofs were not conditioned to be sedum roofs or living roofs.
- 6.7 The proposed roof terrace would incorporate decking; a frosted glass balustrading and the proposed door would be aluminium to match the existing openings on the property, as set out in paragraphs 3.2 and 3.3 above. In this regard, the proposed materials are considered acceptable.
- 6.8 The proposed roof terrace is considered to be of an appropriate size in relation to the flat roof and the host property. The proposed roof terrace would be set back from the front parapet of the roof by 0.60m and would have an area of 12.71m².
- 6.9 The proposed frosted glass balustrading would be visible from the public realm when viewed from Canonbie Road. The proposed set back of the balustrading reduces the visual impact of the proposed terrace on the street when viewed from Canonbie Road.
- 6.10 The site visit demonstrated that front roof terraces are not a common feature but some properties do benefit from them. It was noted those that were visible appear to be original features. Given that the application site is distinctive in its character within the streetscene and is of a modern design, the proposed roof terrace is considered appropriate at this property. It would complement the form, detailing

and materiality of the existing building and would have a limited impact on the streetscene, and therefore is considered to be in accordance with Core Strategy Policy 15, DM Policies 30 and 31.

Impact on residential amenity

- 6.11 It is stated in DM Policy 31 that residential extensions and alterations adjacent to dwellings should result in no significant loss of privacy and amenity, (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.12 Due to the nature of the proposal, the considerations in terms of impact on neighbouring amenity would be on the adjoining neighbours on either side, Nos. 51 and 55 Canonbie Road, properties to the rear of the application site and properties opposite the application site.
- 6.13 Due to the siting of the proposed roof terrace, it would have a negligible impact on the amenity of the neighbouring occupiers at No.55. This is because the taller element of the application property sits between the proposed terrace and No.55. A small part of the very rear of the garden of No.55 may be visible from some locations on the proposed roof terrace; however, there are already windows on the rear elevation of No.53, so the roof terrace would not materially increase overlooking.
- 6.14 The proposed roof terrace would be situated 0.83m from the shared boundary with No. 51. There are no windows in the side elevation of No.51 facing the proposed roof terrace. The positioning of No.51 would result in only a small part of very rear garden on No.51 being visible from some locations on the proposed roof terrace. Therefore, due to the siting of the proposed roof terrace, it is not considered to have a significant impact upon the residential amenity of No.51.
- 6.15 It has been acknowledged that an objection has raised concern in regards to the proposal resulting in overlooking into the rear garden of No.51. It should be noted that this objection was not received from No.51. As outlined above in paragraph 6.14, the proposed roof terrace is not considered to result in any significant impact upon the residential amenity of No.51.
- 6.16 There are no properties directly adjacent to the rear boundary of the application site; there are however, properties positioned to rear of the application site on Netherby Road and Symonds court. An objection was received from a property on Netherby Road in regards to overlooking from the proposed roof terrace. The proposed roof terrace would be situated approximately 38m from the nearest garden boundary on Netherby Road and would be situated approximately 42m from the front elevation of the first property in Symonds Court. Whilst it is acknowledged that the proposed roof terrace would be at an elevated height, given the separation distances to properties to the rear of the application site and the amount of glazing that already exists on the rear of the property, it is considered that there would be no significant additional impact on neighbouring amenity.
- 6.17 Due to the proposed setback of the proposed terrace and as the separation distance from the proposed terrace to the western side of Canonbie Road is 18m, the proposal is not considered to have a significant impact on the residential amenities of the properties opposite the application property on the western side of Canonbie Road.

6.18 It has been acknowledged that an objection raised concern in regards to noise and nuisance generated from the proposed roof terrace, given the size of the proposed roof terrace, that it is adjacent to a study and that property benefits from a rear garden, it is not considered that the proposed roof terrace would generate unacceptable increases in noise levels.

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.

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

7.3 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, streetscene 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:

2117.WD.08; 2217.WD.03; 2217.WD.04; 2217.WD.05A; 2217.WD.07 received 15th January 2018; 2217. WD.01B; 2217.WD.02B and 2217.WD.06C received 2nd March 2018

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. (a) The development shall be constructed in those materials as submitted namely frosted glass balustrading and aluminium windows and doors and in full accordance with 2117.WD.08; 2217.WD.03; 2217.WD.04; 2217.WD.05A; 2217.WD.07 received 15th January 2018; 2217. WD.01B; 2217.WD.02B and 2217.WD.06C received 2nd March 2018

(b) The scheme shall be carried out in full accordance with those details, as approved.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 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.

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