

Committee	PLANNING COMMITTEE C	
Report Title	2 Radlet Avenue, London, SE26 4BZ	
Ward	Forest Hill	
Contributors	Georgia McBirney	
Q21	PART 1	21 <sup>st</sup> June 2018

<u>Reg. Nos.</u>	DC/18/105608
<u>Application dated</u>	30/01/2018
<u>Applicant</u>	Mr Taylor
<u>Proposal</u>	The construction of a double garage at the side of 2 Radlet Avenue, SE26, together with the construction of a first floor side extension
<u>Applicant's Plan Nos.</u>	16323/02; 16323/03; 16323/05; Site Location Plan received 31st January 2018; 1801/02 A; 1801/5 A; 1801/06 A received 14th February; 1801/03 B; 16323/01 A; 1801/01 C and 1801/04 C received 5th March 2018
<u>Background Papers</u>	(1) Case File LE/454/2/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	PTAL 3 Adj. Forest Hill Conservation Area
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.-1 The application property is a two-storey, semi-detached house located on the north-west side of Radlet Avenue directly opposite the junction with Round Hill. Radlet Avenue is a short cul-de-sac with access via Thorpewood Avenue, and Round Hill is a cul-de-sac, with vehicle access via Radlet Avenue.
- 1.0 The existing house has a moderate-sized front garden and a larger side garden, plus small triangular shaped rear garden area. The property has a hip to gable roof extension, a rear roof extension and single storey extension to the rear.
- 1.1 The front elevation of the main dwelling is finished with brickwork at the ground floor and render on the first floor. The side elevation is also finished in render. The front door is timber.
- 1.2 The road is characterised by similar style two-storey semi-detached residential properties. The houses at the rear in Thorpewood Avenue lie within the Forest Hill Conservation Area, such that the boundary of the Conservation Area runs along the side boundary of the application site.

## **2.0 Planning History**

- 2.-1 **DC/16/095225:** The construction of a double garage to the side of 2 Radlet Avenue SE26. **Refused and allowed at appeal 24/03/2017.**
- 2.0 The key points made in the decision notice issued by the Planning Inspectorate are detailed below.
- 2.1 In this case, as a single storey building, it would clearly read as subordinate addition to the host property and when approaching the site from the North along Radlet Avenue, it would set down relative to the road level and occupy a discrete position to the side.
- 2.2 Whilst the Council refer to it disrupting the symmetry between the host dwelling and its attached neighbour, the fact is that this has been eroded by a hipped to gable roof on the appeal dwelling and what appears to be a front extension to its attached neighbour. I therefore cannot accept that it would unbalance the pair, especially given its limited height.
- 2.3 I am mindful that the flat roof would be quite extensive given the width of the proposed extension and clearly visible from the road. Nonetheless, there are a multiplicity of modern additions and extensions to the properties in the vicinity, including roof alterations and flat roofed rear extensions to the rear of properties on Thorpewood Avenue, which stand within the adjacent Forest Hill CA. When viewed from Radlet Avenue to the front of the appeal site, the proposal would be seen in the context and against the backdrop of these modern additions. I thus cannot accept that it would harm the setting of the CA and I consider it would appear as an unremarkable addition to the property.
- 2.4 **DC/17/09905:** The formation of a basement area to the side of 2 Radlet Avenue SE26. **Granted 06/07/2017.**
- 2.5 The site visit demonstrated that neither of the approved permissions have been built out nor have works started.

## **3.0 Current Planning Application**

### The Proposal

- 3.1 The application proposes the construction of a double garage to the side of 2 Radlet Avenue, SE26, together with the construction of a first floor side extension.
- 3.2 The proposed double garage is proposed to the side of 2 Radlet Avenue, the proposed double garage would have a depth of 7.95m, a width of 6.5m and a flat roof with a maximum height of 3.05m. The proposed double garage would be set back by 0.30m from the front of the dwellinghouse.
- 3.3 Previously a proposed double garage was allowed on appeal (APPC5690/17/3167018). The double garage allowed on appeal had a depth of 8.35m, a width of 6.5m and a maximum height of 3.05m. In terms of design and material, the double garage proposed under this application is identical to the double garage that was approved at appeal (APPC5690/17/3167018).
- 3.4 A first floor side extension is proposed on top of the proposed double garage. The first floor side extension would extend 3.00m from the side elevation for a depth of 7.95m. The first floor side extension would not extend beyond the rear building line of the main dwellinghouse. The proposed first floor side extension would be in line with the front elevation of the proposed double garage, which would be set back 0.30m from the front of the main dwellinghouse.

3.5 The proposed first floor side extension would have a pitched roof with a maximum height of 7.71m and an eaves height of 5.43m. The first floor side extension would be set down 0.80m from the ridgeline of the main dwellinghouse.

3.6 The application form states that extension would be constructed in brick and block work with white render, would have a tiled roof and would incorporate uPVC features to match the current property.

#### **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 Six adjoining neighbours, Forest Hill Ward Councillors and the Forest Hill Society were consulted as a part of this application. In addition, a site notice was displayed and a press advert was published, as the site is adjacent to the Forest Hill Conservation Area.

#### **4.3 Written Responses received from Local Residents**

4.4 Three objections were received from properties, which adjoin the site to the rear and are all within the boundary of the Forest Hill Conservation Area. The objections can be summarised as followed:

-The size of the the proposal is excessive and is the overdevelopment of a semi-detached property and out of scale with surrounding properties.

- The proposal will result in loss of outlook and natural light to surrounding properties

-The proposal will adversely affect the character of the Forest Hill Conservation Area

-Increased volume of traffic from the building project

4.5 Residents also raised concern about the number of applications to alter the property over a number of years, land ownership and holes in the ground, but these are not considered to be material planning considerations.

4.6 Copies of all representations are available to 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

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

#### 5.6 London Plan (March 2016)

- 5.7 The London Plan was updated on 14 March 2016 to incorporate 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 application, 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:

- 5.8 Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

#### Core Strategy

- 5.9 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:  
5.10 Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 16 Conservation area, heritage assets and the historic environment

#### Development Management Local Plan

5.11 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:

5.12 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

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 (May 2012)

5.13 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.

#### Forest Hill Conservation Area Appraisal (2010)

5.14 As outlined, the property is adjacent to the Forest Hill Conservation Area.

### **6.0 Planning Considerations**

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

#### Principle of Development

6.2 The principle of an extension is considered acceptable, given the existing residential nature of the property and in the context of DM Policy 1, which supports sustainable development, subject to considerations of other relevant matters including design and impact on neighbouring amenity.

6.3 It is noted that the neighbouring property, No. 4 Radlet Avenue benefits from first floor extension above the original garage. It should also be noted that a number of properties in the cul-de-sac benefit from two storey side additions, with the side extension of No. 6 Radlet Avenue having many similarities to the proposed scheme, especially the roof design.

#### Design

6.4 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on design of the built environment.

Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development including individual buildings, public and private spaces and wider area development schemes.

- 6.5 Paragraph 63 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs, which help raise the standard of design more generally in an area. In addition to this paragraph, paragraph 64 states that permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions.
- 6.6 In relation to Lewisham, Core Strategy Policy 15 outlines how the council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the urban typology of the area.
- 6.7 DM Policy 30 require planning applications to demonstrate a site-specific response which creates a positive relationship with the existing townscape, whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 6.8 DM Policy 31 requires alterations and extensions, including roof extensions to be of a high, site specific and sensitive design quality and respect and/or complement the form setting, period, architectural characteristics, and detailing of the original buildings. In addition, this policy requires high quality matching or complementary materials to be used, appropriately and sensitively in relation to the context.
- 6.9 DM Policy 36 states that planning permission will not be granted where the development adjacent to a conservation area would have a negative impact on its significance.
- 6.10 The Residential Standards SPD states in section 6.4 that extensions should be subsidiary to the main structure and that over-dominant extensions may destroy the architectural integrity of existing buildings.
- 6.11 Paragraph 6.5 (side extensions) states that in order to ensure that a side extension appears subsidiary to the main dwellinghouse a setback may be used which should be followed through to the roof which should be similarly setback. The setback should be at least 300mm, but the depth might need to vary considerably dependent on the nature of the urban form of the street, the prominence of the building, its location, the design of the surrounding buildings and the character and rhythm of the street as set by distances between buildings. In some cases, the character of a street will mean that a side extension is not appropriate.
- 6.12 The proposed extension would be constructed from matching materials, as set out in paragraph 3.6 above. In this regard, the proposed materials are considered acceptable.
- 6.13 The proposed double garage has introduced a 0.3m setback from the front of the main house compared to the double garage that was allowed on appeal (APP/05690/17/3167018), given that this is the only difference, officer's raise no objection to the proposed double garage.
- 6.14 The proposed first floor element is considered an appropriate size in relation to the host property; the proposed extension would be sufficiently set down from the ridgeline of the main roof and would retain the height of the existing eaves of the property.
- 6.15 The site visit demonstrated that a number of properties in Radlet Avenue benefit from side extensions. The proposed extension at first floor level is considered to rebalance the

semi-detached pair that the application property is a part of and be in keeping with the altered character of the streetscene.

- 6.16 The application site is adjacent to the Forest Hill Conservation area and as seen below on Map 1 the application site (outlined in red) adjoins three properties with the conservation area (highlighted in purple). Although the proposed extension would be visible from the public realm and from the Forest Hill Conservation Area, as it would be of an appropriate design for the road on which it is sited and in matching materials, it would appear as a coherent addition to the host property. Being mindful of the scale and design of the proposed extension it is not considered to have a negative impact on the significance of the adjacent Forest Hill Conservation Area, especially considering its location and potential to obscure views through the conservation area.



Map 1: site adjacent to Forest Hill Conservation Area

- 6.17 The proposed extension is therefore considered acceptable at this property, due to its scale, form and the materials proposed. It would complement the form, detailing and materiality of the existing building and would therefore be in accordance with Core Strategy Policy 15, DM Policies 30, 31 and 36 and paragraphs 6.4 and 6.5 of the Residential Standards SPD.
- 6.18 Impact on residential amenity
- 6.19 Application DC/16/095225 for the proposed garage, which was allowed on appeal (APP/05690/17/3167018), established that the proposed garage would not have and unacceptable impacts on neighbouring amenity.
- 6.20 The proposed first floor side extension would be situated 2.1m to 6m from the rear garden boundaries on Nos. 44 to 50 Thorpewood Avenue and the rear gardens measure approximately 18m in depth. There are no windows proposed on the north side elevation of the proposal and therefore given the separation distance to the rear elevations of Nos. 44 to 50 Thorpewood Avenue, the proposed first floor side extension is not considered to result in any unacceptable impacts in terms of loss of outlook and privacy.

- 6.21 In regards to impact on daylight/sunlight or overshadowing, as the application property is to the south of Thorpewood Avenue there will be an element of overshadowing on to the gardens of these properties. However as there is an existing two storey dwelling on the site, the increase in overshadowing between the existing and proposed situation on the gardens of Thorpewood Avenue is not considered significant or harmful.
- 6.22 The proposed extension would be situated away (6.5m) from the shared boundary with No. 4 Radlet Avenue. Given that the application property is situated between the proposed extension and No.4 Radlet Avenue and that the proposed extension does extend beyond the existing rear elevation of the application property, the proposed first floor extension would have a negligible impact on No. 4.
- 6.23 The separation distance from the proposed first floor side extension to the eastern side of Radlet Avenue is approximately 21m, the proposal is not considered to have a significant impact on the residential amenities opposite the application property.
- 6.24 In respect of the impact on the area as a result of construction traffic, given that this is a domestic extension, the intensity and duration of any construction traffic is not considered to be so adverse as to require further regulation through planning conditions.

## **7.0 Equalities Considerations**

### 7.1 Human Rights Act

7.2 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.

7.3 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.

### Equalities Considerations

7.4 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.

7.5 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.

7.6 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.

7.7 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/>

7.8 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

7.9 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who 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/>

7.10 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 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 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
- 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 not payable on this application

## **9.0 Conclusion**

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

9.2 Officers consider the proposed development to be acceptable in principle, of no significant harm to the character of the host property, streetscene or adjacent conservation area or to residential amenity. It is therefore considered acceptable.

**10.0 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:

16323/02; 16232/03; 16232/05; Site Location Plan received 31st January 2018;  
1801/02 A; 1801/5 A; 1801/06 A received 14th February; 1801/03 B; 16323/01 A;  
1801/01 C and 1801/04 C received 5th 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. 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 garage 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).