

Committee	PLANNING COMMITTEE B	
Report Title	77 Sydenham Park Road, London, SE26 4DH	
Ward	Sydenham	
Contributors	Samuel James	
Class	PART 1	11 October 2018

Reg. Nos. (A) DC/18/106425

Application dated 22.03.2018 as revised on 09.08.2018

Applicant Mr De Souza

Proposal The construction of a single storey rear and side wrap-around extension to 77 Sydenham Park Road, SE26.

Applicant's Plan Nos. 101(E); 102(E); 103(P); 104(E) Received 23 March 2018;  
105(FP) Rev.D; 106(FP) Rev.D; 107(FP) Rev.D;  
108(FP) Rev.D; 109(FP) Rev.D Received 24 August 2018

Background Papers (1) Case File LE/499/77/TP  
(2) Local Development Framework Documents  
(3) The London Plan

Designation PTAL 1b  
Local Open Space Deficiency

## **1.0 Summary**

This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as:

- Permission is recommended to be approved and there are 3 or more valid planning objections

## **2.0 Property/Site Description**

2.1 The application property is a semi-detached single family dwellinghouse located on the Eastern side of Sydenham Park Road, opposite its junction with Whittell Gardens. The house forms part of a development of 7 dwellinghouses which were granted permission in 1999.

2.2 The surrounding area is residential in nature and characterised by predominantly semi-detached pairs and terraced rows of housing.

2.3 The property is not located in a Conservation Area and no Article 4 directions apply, there are no listed buildings in the vicinity.

### **3.0 Planning History**

3.1 **DC/98/043931:** The demolition of the existing garages and workshops at 65-77 Sydenham Park Road SE26 and the construction of 7 two-storey dwellinghouses, together with provision of associated parking spaces with access onto Sydenham Park Road. **Granted 26 April 1999.**

3.2 **DC/99/045162:** The construction of 7, two storey, three bedroom houses on the site of 65-77 Sydenham Park Road SE26, together with the provision of 14 parking spaces with access onto Sydenham Park Road and Chelsfield Gardens. **Granted 25 Nov 1999.**

3.3 **DC/18/106424:** Lawful Development Certificate (Proposed) in respect of the construction of an extension to the rear roof slope of 77 Sydenham Park Road, SE26, together with the installation of 3 rooflights to the front roof slope. **Granted 13 July 2018.**

### **3.4 Relevant history at adjoining properties**

3.5 **DC/17/104299:** The construction of a single storey side extension at 79 Sydenham Park Road, SE26, together with the installation of bi-folding doors in the rear elevation and enclosing the existing open front porch. **Granted 11 Jan 2018.**

### **4.0 Current Planning Applications**

#### The Proposal

4.1 This application is for the construction of a single storey rear and side wrap-around extension to 77 Sydenham Park Road.

4.2 The side element would be set back by 0.5m from the front elevation, and would infill the space between the side elevation and the shared boundary with No.79 Sydenham Park Road. The extension would extend past the original rear elevation of the property by 3m, and would span the width of the plot to the boundary with No.75.

4.3 The eaves height of the side element of the extension would be between 2.7m at the front elevation and 3m at the rear (due to sloping ground level) where it would step down to 2.8m for the rear section.

4.4 Four rooflights would be incorporated into the side, and one large rooflight into the rear roof slopes. The front elevation would include a casement window to match the other ground floor window in the front elevation. The rear elevation would incorporate a sliding door.

4.5 The proposed materials would match those of the existing dwellinghouse: the walls of the extension in facing brickwork, the roof in matching tiles, and the window in uPVC.

4.6 There have been several alterations to the proposal since the original submission:

- The extension's height along the shared boundary adjacent to No.75 has been reduced from a sloped parapet wall of between 4.1m and 3.2m in height, to a hipped roof at a height of 2.8m.

- The maximum height of the extension's roof has been reduced and the rooflight in its rear roofslope has been lowered so they would not protrude up to the height of the existing first floor windowsills.
- A proposed set of French doors to the front elevation of the side extension has been removed and replaced with a window.

## **5.0 Consultation**

5.1 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 met those required by the Council's adopted Statement of Community Involvement.

5.2 A site notice was displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors. Four letters of objection were received from neighbouring residents.

5.3 The following concerns were raised:

- Extension appears very large, eliminating view
- With extensions to the roof, side and back, the house will be much bigger than the other houses on the street.
- If all houses build to the side then it will look like a row of terraces.
- Building over gardens will cause increased run-off of rainwater downhill to properties of Chelsfield Gardens.
- Existing parking issues on Sydenham Park Road would be exacerbated if parking space is built over.
- Loss of significant proportion of garden
- Increased overlooking into properties adjoining at rear.
- Proposals out of scale.
- Will block light coming through houses.
- Concern raised against the roof extensions, which are the subject of a separate Lawful Development Certificate application, which has been approved.

## **Pre-Application Consultation**

### **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.

6.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The revised NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework (NPPF) 2018

6.3 The NPPF, originally published in 2012, was revised on 24th July 2018 and is a material consideration in the determination of planning and related applications.

6.4 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the revised NPPF provides guidance on its implementation. In summary, this states in paragraph 213, 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 and in regard to existing local policies, that '...due weight should be given to them, 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)'.

6.5 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the revised 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 213 of the revised NPPF.

#### National Planning Practice Guidance 'NPPG' (2014 onwards)

6.6 On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in difference subject areas

#### The Development Plan

6.7 The London Plan, Lewisham's Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan and together constitute the borough's Development Plan.

#### London Plan (March 2016)

6.8 The London Plan was updated on the 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). Proposed modifications were released by the Mayor of London in August 2018 following review of consultation responses. Although still an early stage in this process, the draft with

modifications has some weight as a material consideration when determining planning applications. Where the policies of the draft plan differ from the adopted plan and are relevant to the subject application, they will be referred to in this report.

6.9 The policies in the current adopted London Plan (2016) relevant to this application are:

Policy 3.14 Existing housing  
Policy 6.13 Parking  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture

#### Core Strategy (June 2011)

6.10 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 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham

#### Development Management Local Plan (November 2014)

6.11 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 to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development  
DM Policy 29 Car parking  
DM Policy 30 Urban design and local character  
DM Policy 31 Alterations/extensions to existing buildings

## **7.0 Planning Considerations**

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

- Principle of Development
- Design
- Impact on Adjoining Properties
- Transport Impacts

#### Principle of Development

- 7.2 The revised National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

### Design

- 7.3 Urban design is a key consideration in the planning process. The revised NPPF makes it clear that national government places great importance on the 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 revised NPPF requires local planning authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. London Plan and Core Strategy design policies further reinforce the principles of the revised NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30 and 31, seeks to apply these principles. The Council's Residential standards SPD provides officers with further detailed guidance to apply to such residential proposals.
- 7.4 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 local context and responds to local character.
- 7.5 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
- 7.6 DM Policy 31 requires development proposals for alterations to be of a high, site specific and sensitive design quality and to respect and/or compliment the form, setting period, architectural characteristics and detailing of the original building, including external features such as chimneys and porches. High quality matching or complimentary materials should be used appropriately and sensitively in relation to context
- 7.7 The proposed side element of the extension would be set back from the front elevation by 0.5m, and the overall height of the extension is appropriate to ensure it would be subordinate to the host building. The extension would be proportionate to the size of the garden, as over 50% would remain as a result, and it would be finished in matching materials.
- 7.8 Given the above, officers conclude that the proposal would be in accordance with the design criteria set-out in the Residential Standards SPD and as such the proposed development is of a design that achieves the design required by the Council through Core Strategy Policy 15 and DM Policy 30 and 31.

### Transport Impact

- 7.9 Core Strategy Policy 14 and DM Policy 29 states that a managed and restrained approach to car parking provision will be adopted to contribute to the objectives of

traffic reduction while protecting the operational needs of major public facilities, essential economic development and the needs of people with disabilities

- 7.10 The proposal would result in the loss of some space which could potentially be used for parking to the side of the house. However, the average width needed to park a car, and be able to open the doors to get in/out is 2.9m, and the space is only 2.15m, so it is highly unlikely this space is used for car parking currently. Furthermore, the resultant driveway would be sufficient to park at least 1 vehicle.

#### Impact on Adjoining Properties

- 7.11 The revised NPPF requires that planning decisions should ensure a high standard of amenity for existing and future residents (paragraph 127). 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.

#### *No.79 Sydenham Park Road*

No.79 have received consent for a single storey extension to the side, which would be built up to the shared boundary with No.77. Due to this extension, the side element of the extension would have a negligible impact on the amenity of No.79. The rear element of the extension would extend past the rear of the approved extension at No.79 by 3m, at a height of 2.8m along the boundary. At this moderate height and depth, the proposal would not have an unacceptable impact in terms of increasing the sense of overbearingness or sense of enclosure due to loss of outlook from the ground floor window. A 45-degree test taken from the proposed window at No.79 demonstrates that no significant impact would occur.

The impact upon No.79 Sydenham Park Road would be acceptable, and in accordance with Policy DM31.

#### *No.75 Sydenham Park Road*

- 7.12 The proposal would extend along the shared boundary with No.75 for 3m, at a height of 2.8m. At this moderate height and depth, the proposal would not have an unacceptable impact in terms of increasing the sense of overbearing or sense of enclosure due to loss of outlook from the ground floor window.
- 7.13 Notwithstanding the above, an extension of the same depth, with a higher eaves of 3m could be built at the rear of No.77 under permitted development, and the impact of this would be greater than that proposed here. The impact upon No.75 Sydenham Park Road would be acceptable, and in accordance with Policy DM31.

#### *Properties on Chelsfield Gardens*

- 7.14 As the proposal is for a single storey extension and considering the distance to rear the boundary from the extension of 8m, and the subsequent distance of approximately 25m to the rear elevations of the properties on Chelsfield Gardens,

there would be no material impact on the amenity of the occupiers of those properties.

## **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 though is not payable in regard to this application as the increased floorspace is below the 100sqm threshold.

## **9.0 Equalities 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.
- 9.3 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.
- 9.4 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:  
<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

- 9.5 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
- 9.6 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:  
<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 9.7 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

## **10.0 Human Rights Implications**

- 10.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including
- Right to a fair trial
  - Respect for your private and family life, home and correspondence
- 10.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.
- 10.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Convention rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

- 10.4 This application has the legitimate aim of providing new residential floorspace to an existing dwelling. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

## **11.0 CONCLUSION**

- 11.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 11.2 Officers consider that the design and appearance of the proposal is acceptable, and there would be no materially harmful impacts to neighbouring occupiers and the scheme is therefore considered acceptable.

## **12.0 RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions:**

### **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:

101(E); 102(E); 103(P); 104(E) Received 23 March 2018;

105(FP) Rev.D; 106(FP) Rev.D; 107(FP) Rev.D; 108(FP) Rev.D; 109(FP) Rev.D  
Received 24 August 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 extension shall be constructed in materials to match those used in the existing dwellinghouse, namely: the walls finished in matching brickwork, the roof in matching tiles, and the windows in matching uPVC.
- (b) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

**Reason:** To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 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 Code of Practice for Control of Pollution and Noise

from Demolition and Construction Sites" available on the Lewisham web page.