

Committee	PLANNING COMMITTEE C	
Report Title	Flat 2, Summerhill, 41 London Road, SE23	
Ward	Forest Hill	
Contributors	Zahra Rad	
Class	PART 1	18 October 2018

Reg. Nos. DC/18/107541

Application dated 31/05/2018

Applicant Mr Rayfield

Proposal Construction of a single storey extension to the rear of Flat 2, Summerhill, 41 London Road, SE23.

Applicant's Plan Nos. ES180085-1, ES180085-2, ES180085-3, ES180085-4, Site Location, Block Plan (received 11th June 2018); Stratus Thermal Lantern Roof details and Sunbright Ecoenergy window details (received 5th October 2018).

Background Papers (1) Case File LE/344/41/TW
(2) Local Development Framework Documents
(3) The London Plan

Designation PTAL 4, Major District Centre, Forest Hill Article 4 (2) Direction

Screening N/A

1.0 Summary

1.1 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 This application relates to Flat 2 (two bedroom) located in the ground floor of a three storey detached building (Summerhill) located within Forest Hill Conservation Area. The existing detached property is split into 4 flats.

2.2 The property is located to the south of London Road and is accessed via a shared pathway (approximately 30m long) off London Road. Though the property is on

higher ground along the pathway compared to London Road, there is limited visibility from London Road or any other surrounding roads. However, the property is visible to the adjoining properties to the west and south.

2.3 The immediate surrounding context is residential, though it is located within the Forest Hill District Centre boundary.

2.4 The property is located within the Forest Hill Conservation Area and as such is subject to the Forest Hill Conservation Area Article 4(2) Direction. The property is Edwardian, built in the later part of the 19th century.

2.1 The property rear and side elevation are London stock brick. The existing windows in the building are timber casement and sliding sash.

2.2 The property is not listed, nor is it in the vicinity of any listed buildings.

3.0 Planning History

3.1 No record of previous planning application.

4.0 Current Planning Applications

4.1 This application proposes the construction of a single storey extension to the rear of Flat 2. The extension would infill the southwest corner of the property.

4.2 The extension would be 3.44m in depth, 2.76m in width and have a height of 2.8m, which would rise to 3.30m at the top of the lantern roof.

4.3 The rear elevation of the extension would be faced in brick, which would match the material used on the existing building. Three white uPVC casement windows with clear glass would be installed in the south elevation and a white uPVC door with clear toughened glass would be installed on the western elevation of the proposed extension. The roof would be EPDM (Rubberbond EPDM flat roof) and the lantern would be of a grey aluminium frame.

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 outside the property and letters were sent to 40 adjoining residents in the surrounding area. The ward councillors for Forest Hill and the Forest Hill society were also consulted.

5.3 Three neighbours have raised objection to the proposal. No comment has been received from the Forest Hill society.

5.4 The objections are summarised below:

- Extension obstructs view, especially because of the height of the lantern roof.
- The extension would have an adverse impact on the value of the property.
- Accesses for maintenance of upper floor windows would be restricted.

- Additional stress to the building by construction of this extension due to previous subsidence and damages
- Noise pollution during the construction period.
- Affecting a tree in the garden of No 32 Forestholme Close.
- Any construction will reduce open spaces and will lead to further construction.
- The possible excavation may cause subsidence (this point has been raised by 2 people).
- Concern about possible overlooking as a result of new windows.

5.5 Comments raised with regard to the proposed extension impacting property values, views (other than outlook), access for maintenance and stress to the building are not relevant planning considerations.

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 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 revised 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 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.

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 constitute the borough's Development Plan.

London Plan (March 2016) (alterations 2017)

- 6.8 On the March 2016, the London Plan (consolidated with alterations since 2011) was adopted. 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 London Plan 2016 policies relevant to this application are:

Policy 7.4 Local character
Policy 7.6 Architecture

Core Strategy

- 6.10 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:

Core Strategy Policy 8 Sustainable design and construction and energy efficiency
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:
- 6.12 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 32	Housing design, layout and space standards

Residential Standards Supplementary Planning Document (2006, updated 2012)

- 6.13 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.

7.0 Planning Considerations

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

- a) Design and impact on the character and appearance of the host building and the Forest Hill Conservation Area.
- b) Impact on the amenity of surrounding properties

Design and conservation

- 7.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that (in summary) with respect to any buildings or other land in a conservation area, the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Chapter 16 of the NPPF states that (in summary) heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 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. Paragraph 131 of the revised NPPF outlines 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 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.
- 7.4 Paragraph 131 of the revised NPPF states that in determining applications, great weight should be given to outstanding or innovative designs, which help raise the standard of design more generally in the area. In addition to this, paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

- 7.5 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, is sensitive to the local context, and responds to local character.
- 7.6 Core Strategy Policy 15, DM Policy 30, 31 and 32 seek to ensure that a high standard of design is upheld; proposals must complement the existing development, townscape and character.
- 7.7 The Residential Standards SPD states in section 6.4 that extensions should be smaller and less bulky than the original building and reflect its form and shape. It states that traditionally, extensions to buildings are subsidiary to the main structure and that over-dominant extensions may destroy the architectural integrity of existing buildings.
- 7.8 The proposed rear extension would add 9.55m² (12% of the total flat area) to the footprint of the flat. The surrounding garden currently measures 995m² and therefore over 50% of the surrounding garden would remain because of the extension.
- 7.9 The height of the single storey flat roof rear extension would be 2.8m, which is visibly lower than the first floor windowsill to the west elevation of the host building. The maximum height including the lantern would be 3.30m, which still is lower than the first floor windowsill.
- 7.10 The proposed materials on the elevations of the extension would be facing brick, which would match the existing building.
- 7.11 The proposed windows to the rear and side would be white uPVC with clear glass. The proposed door would be white uPVC with clear toughened glass, and the roof would be EPDM roof with aluminium frame lantern. Although the proposed window material is not characteristic of the building or conservation area, as the extension would be single storey in height, located to the rear of the property and given the relatively tall boundary fencing and mature planting surrounding the site, it would not be visible from the public realm. Accordingly, no harm would arise to the conservation area.
- 7.12 The extension would therefore appear subservient to the host building and would be complementary in terms of its appearance. As such, the proposals would preserve the character and appearance of the conservation area.

Impact on Adjoining Properties

- 7.13 It is stated in DM Policy 31 that residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity, (including sunlight and daylight) to adjoining houses and their back gardens.
- 7.14 Due to the position of the proposed extension, the only neighbouring occupants potentially affected would be No No 33 Foresthill Close, to the south, and Nos. 7 and 8 Highgate Walk, to the west.
- 7.15 The west elevation of the proposed extension would be 7.5m away from the neighbouring boundary with No7 and No8 Highgate Walk and 23m and 14m away

from the rear elevations of the buildings at No 7 and No 8 respectively. The new extension would be 2m away from the boundary of No 33 Forestholme Close to the south. The rear elevation of the proposed extension would have a distance of 13m from the rear elevation of No 33. Given the single storey nature of the proposal and the intervening boundary treatments, it is not considered that the proposal would have any impacts on neighbouring amenity in terms of outlook, overbearing relationship or privacy.

- 7.16 Concern has been raised about disruption to local residents arising from construction works. A condition has been specified limiting working hours to reasonable times in order to address these concerns, although it is inevitable that some disruption would occur during construction.

Other considerations

- 7.17 A concern has been raised in relation to the impact of the proposal on a tree in the rear garden of No 32 Forestholme Close. Given the position of the proposed extension, the separation distance between the properties and the fact that the extension would be no closer to the tree than the existing south elevation of 41 London Road, it is not considered that the tree would be affected.

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 together with Lewisham council CIL are therefore a material consideration though are 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 revisions 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 the host building, conservation area or neighbouring occupiers. The scheme is therefore considered to be acceptable.

12.0 RECOMMENDATION

GRANT 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: ES180085-1, ES180085-2, ES180085-3, ES180085-4, Site Location, Block Plan (received 11th June 2018); Stratus Thermal Lantern Roof details and Sunbright Ecoenergy window details (received 5th October 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. No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on

Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

4. The development shall be constructed in brickwork to match the existing building.

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.