

Committee	PLANNING COMMITTEE C	
Report Title	15 Perks Close, London, SE3 0XD	
Ward	Blackheath	
Contributors	Hugh Walsh	
Class	PART 1	29 th November 2018

<u>Reg. Nos.</u>	DC/18/108362
<u>Application dated</u>	02/08/2018 [as revised on 29/10/2018]
<u>Applicant</u>	Mr M Jaques
<u>Proposal</u>	The construction of a rear roof extension, together with the construction of a single storey rear extension and the installation of rooflights to the front roofslope at 15 Perks Close SE3.
<u>Background Papers</u>	(1) 002; 005-REV-C; Heritage Statement; Planning Statement (Received 3rd August 2018) 003-REV D; 004-REV D (Received 25th October 2018) 001 - REV A; 006 - REV A (Received 13th November 2018) - RT Drafting Solutions Limited (2) Case File LE/1098/15/TP (3) Local Development Framework Documents (4) The London Plan (5) The NPPF
<u>Designation</u>	Core Strategy, Site Allocations Local Plan – Residential; Blackheath Conservation Area;
<u>Screening</u>	N/A

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 site is located on the western side of Perks Close, comprised of a mid-terrace two-storey contemporary dwelling house with a town house design. The property is built of yellow London stock brick with brown coloured uPVC windows.
- 2.2 The site is located within the Blackheath Conservation Area, however is not subject to an Article 4 Direction removing permitted development rights for dwelling

houses. Neither was the right to extend the property removed by any condition attached to the original grant of planning permission in 1977.

3.0 **Planning History**

- **DC/17/105167** - The construction of a rear roof extension at 15 Perks Close SE3, together with the construction of a single storey rear extension and the installation of rooflights to the front roofslope. **Refused.**
- **DC/18/106557** - The construction of a rear roof extension at 15 Perks Close SE3, together with the construction of a single storey rear extension and the installation of rooflights to the front roofslope. **Refused.**

4.0 **Current Planning Applications**

The Proposal

4.1 The application is for the construction of a rear roof extension, together with the construction of a single storey rear extension and the installation of rooflights to the front roofslope at 15 Perks Close.

4.2 This application replicates a previously approved application at Hurren Close (DC/17/103385).

Supporting Documents

4.3 Heritage, Design & Access Statement.

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 those required by the council's adopted Statement of Community Involvement.

5.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward councillors. The Blackheath Society were also consulted.

5.3

Objections:	Response:
<u>Neighbour at 17 Perks Close:</u> Objects to both the rear Dormer Extension and the single storey rear extension on the grounds of loss of light, overlooking/loss of privacy and effect on the character of the neighbourhood.	The proposal's scale both for the rear dormer extension and the single storey rear extension is considered not to have a significant impact on the loss of light for 17 Perks Close as officers consider the scale of the extensions is not great enough to pose impact on the properties sunlight or privacy. The character of the neighbourhood is not considered to be significantly impacted by the proposal due to the

	<p>already inconsistent roofslope, part of the original layout of the street and the scale of the proposed extensions.</p>
<p><u>Neighbour at 14 Perks Close:</u> Objects to the proposal on the ground of it being destructive to the character of the area and represents an eyesore, impact on daylight & Privacy, Overbearing, impact to the original layouts function as a wind and sound tunnel serving the railway, impact on the conservation area and set a local precedent that would lead to excessive overdevelopment.</p>	<p>The character of the neighbourhood is not considered to be impacted by the proposal due to the already inconsistent roofslope, part of the original layout of the street and the scale of the proposed extensions.</p> <p>Both extensions are considered to be a high quality of design and would comprise of materials that are sympathetic to the host building.</p> <p>The positioning and scale of the dormer extension would not result in any significant impact to the daylight of 14 Perks Close and the rear extension is considered not to have an impact on the daylight of 14 Perks Close.</p> <p>The proposal would not constitute a loss of privacy to 14 Perks Close as the presence of an existing window overlooking the garden poses the same privacy issues, these windows are consistent along the street overlooking onto the gardens.</p> <p>The proposals are not considered to pose significant impact on the conservation area, the proposal would constitute less than substantial harm to the host property and the surrounding conservation area and although it would not supply any public benefit, it would give the applicant numerous benefits. The proposal would unlikely set a local precedence of overdevelopment due to the relatively small scale of the proposal.</p>
<p><u>Neighbour at 16 Perks Close:</u> Objects to the rear dormer extension on the grounds that the dormer would result in a loss of privacy to the objectors rear garden, the roof dormer is not in keeping with the character of the roofslope and granting the application would result set a local precedent that</p>	<p>The proposal would not constitute a loss of privacy to 16 Perks Close as the presence of an existing window overlooking the garden poses the same privacy issues, these windows are consistent along the street overlooking onto the gardens.</p>

<p>would lead to excessive overdevelopment. The neighbour at 16 Perks Close supports the single storey rear extension.</p> <p>Neighbour objected further to the amended rooflight design on all grounds mentioned previously.</p> <p>Stated signs that a precedence of over development has already begun are showing.</p>	<p>The character of the neighbourhood is not considered to be significantly impacted by the proposal due to the already inconsistent roofslope, part of the original layout of the street and the scale of the proposed extensions.</p> <p>The proposal would unlikely set a local precedence of overdevelopment due to the relatively small scale of the proposal.</p>
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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 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 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 NPPF. Chapter 16 relates to conserving and enhancing the historic environment.

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 2014

- 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) and minor modifications before the EIP were published on 13 August. A such, tis document now has some limited weight as a material consideration when determining planning applications. The relevant draft policies are listed below and discussed within the report. These are limited to policies that are materially different to existing London Plan policies. The policies in the current adopted London Plan (2016) relevant to this application are:

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

The relevant emerging policies of the draft London Plan are:

HC1 Heritage conservation and growth

Core Strategy (June 2011)

- 6.9 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:
- Core Strategy Policy 15: High quality design for Lewisham
 - Core Strategy Policy 16: Conservation areas, heritage assets and the historic environment

Development Management Local Plan (November 2014)

- 6.10 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:
- 6.11 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 (2006, updated 2012)

- 6.12 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:
- Design
 - Impact on Adjoining Properties

Design

- 7.2 Proposed single storey rear extension:
The proposed single storey rear extension would be considered as having an acceptable size and scale within the context of the host property's rear garden area. The proposed extension's design would comprise of a 3m depth, sloping roof and be constructed with materials matching the host property. The proposed design would allow the development to appear as a contemporary addition that would be visually compatible with the character and appearance of the host property's rear elevation. This is due to the use of matching brick works, large glazing arrangements and matching roof design.
- 7.3 Proposed rear roof extension:
The proposed roof extension would be set down from the host property's ridge line by 0.100m and would have a 0.400m setting from the side party walls, this complies with the Residential Standards SPD. The proposed extension's scale and positioning is considered not to have a significant impact on the Blackheath Conservation Area. The proposal is considered to be a sympathetic addition to the host building due to the use of similar materials to that of the existing building. Paragraph 4.2 of this report mentions the grant of planning permission to an identical scale rear dormer at Hurren Close.
- 7.4 Proposed rooflights:
The proposed rooflights would be situated on the front roofslope of 15 Perks Close, the original design incorporated 3 large roof lights but after negotiations with the applicant and agent it was concluded that the design was too intrusive and the design was amended to match other properties within Perks Close. The proposed rooflights are therefore considered not to have a significant impact on the roofscape of Perks Close as the revised design matches neighbour properties.

Impact on Adjoining Properties

- 7.5 Overlooking:
Officers note the proposed single storey rear extension together with the rear roof dormer would comprise of rear elevation facing glazing. Given the high boundary

walls on the ground floor officers do not consider the proposed bi-folding door would result in result in adverse overlooking impact or loss of privacy.

Officers considered objections from neighbours at No.14, No.16 and No.17 Perks Close concerning overlooking into the rear garden area from windows proposed as part of the rear roof extension. Given that first floor windows already exists on the rear elevation of properties on this terrace, officers would not consider the introduction of a roof level window result in cumulative overlooking harm to the detriment of neighbouring properties.

7.6 Overbearing:

The proposed single storey rear extension with its depth of 3m would sit along the boundary wall of No.14 and No.16 with a height of 3.8m and an eaves height of 2.8m. Its form would be considered as a modest addition given the host garden's depth as well as the garden of neighbouring properties. Officers do not consider the extension's form would be overbearing given its shallow depth and sloping roof design.

7.7 Loss of light:

The proposed single storey rear extension would be full width with a maximum height of 3.8m, an eaves height of 2.4m at the rear and depth of 3.m along the boundary wall with No.14 and No.16. Given the site's south westerly facing rear garden, officers consider the property at No.14 would not be subjected to undue loss daylight or sunlight impact. With regards to No.16, officer's note that due to the scale of and the pitched roof design it is considered that the level of expected loss of light would not warrant a refusal.

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. There is no CIL payable.

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
- Peaceful enjoyment of one's property

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.

11.0 CONCLUSION

11.1 This application has been considered in the light of policies set out in the Development Plan and other material planning considerations.

11.2 Officers consider the proposals would attain a high standard of design and maintain similar materials while respecting the architectural characteristics of Perks Close in accordance with DM Policy 30 & 31, the proposal is not considered to harm the significance of the heritage assets (Blackheath Conservation Area) and is considered to preserve the appearance of the Conservation Area in accordance with DM Policy 36. In addition, the proposal would not be detrimental to residential amenity and therefore the scheme is 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: The works for which conservation area consent is hereby granted must be begun not later than the expiration of three years beginning with the

date of this consent in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As Amended).

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

002; 005-REV-C; Heritage Statement; Planning Statement (Received 3rd August 2018) 003-REV D; 004-REV D (Received 25th October 2018) 001 - REV A; 006 - REV A (Received 13th November 2018) - RT Drafting Solutions Limited

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. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with Policy 36 of the Development Management Local Plan (2014).

INFORMATIVES

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