

Committee	PLANNING COMMITTEE A	
Report Title	15a Blackheath Vale, London SE3 0TX	
Ward	Blackheath	
Contributors	Alfie Williams	
Class	PART 1	07 February 2019

Reg. Nos. (A) DC/18/109069

Application dated 26.09.18 [as revised on 03.12.18]

Applicant Mr Bredenkamp

Proposal The construction of an extension and installation of a glazed balustrade at first floor level to the rear of 15A Blackheath Vale SE3, together with alterations to the front, side and rear elevations and the installation of roof lights to the front and rear roof slopes.

Plan Nos BHV-P-EX-000; BHV-P-EX-001; BHV-P-EX-100; BHV-P-EX-101; BHV-P-EX-102; BHV-P-EX-200; BHV-P-EX-300; BHV-P-EX-301; Design & Access Statement received 26 September 2018; BHV-P-PR-001 rev B; BHV-P-PR-100 rev B; BHV-P-PR-101 rev B; BHV-P-PR-102 rev B; BHV-P-PR-200 rev B; BHV-P-PR-201 rev B; BHV-P-PR-202 rev B; BHV-P-PR-300 rev B; BHV-P-PR-301 rev B received 3rd December 2018;

Background Papers

- (1) Case File LE/678/15A
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) The London Plan (March 2016)

Designation

Blackheath Conservation Area
PTAL 3
Metropolitan Open Land
Area of Special Character
Area of Archaeological Priority
World Heritage Buffer Zone

1.0 SUMMARY

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

- Permission is recommended to be approved and:

- there is one or more objection from a recognised amenity group within their area

2.0 PROPERTY/SITE DESCRIPTION

- 2.1 The application site is a part double, part single storey dwellinghouse built in the 1970s. The property is located on the south-eastern side of Blackheath Vale within a cul-de-sac. The surrounding area is predominately residential and is characterised by Georgian and Victorian terraces.
- 2.2 The property is constructed from stock bricks and has a hipped tiled roof. The front elevation of the property has a garage at ground floor level and uPVC casement windows. There is a porch with columns around the front entrance with a balcony above. To the rear of the property has single storey projection with a flat roof. The flat roof can be accessed via a door from a first floor bedroom. There are a number of large trees along the south-western boundary with 15–27 Blackheath Vale to the side of the large rear garden. The property has a ground level raised significantly above that of the properties to the south-west.
- 2.3 The property is located within the Blackheath Conservation Area but is not subject to an Article 4 Direction and neither is it listed.

3.0 PLANNING HISTORY

- 3.1 In October 1974, planning permission was granted for the erection of a part two part single storey detached house on land to the rear of 15–27 Blackheath Vale, SE3.

4.0 CURRENT PLANNING APPLICATIONS

- 4.1 The construction of a first floor extension to the single storey rear projection. The extension would measure 7.2m in depth by 6.3m wide by 3.1m high (6.4m from ground level). The extension would be clad in timber with a hipped roof and would feature two rooflights. The extension would also feature an aluminium framed patio door in the rear providing access to a first floor roof terrace with a glazed balustrade and planting around the perimeter. The balustrade would measure 1.5m in height from floor level of the roof terrace and would be obscure glazed.
- 4.2 The proposed development also includes the installation of two glazed doors and a casement window in the north-eastern side elevation at ground floor level and a replacement glazed door in the south-western side elevation. A large sliding aluminium framed patio door is proposed for the rear elevation. In addition, a combined bin and bike store would be installed in the back garden to side of the property, close to south-western boundary, measuring 2m in height by 4.3m wide by 1.5m deep.
- 4.3 The front elevation garage door would be removed and two timber casement windows installed with a third replacement timber casement window installed at ground floor level in place of an existing window. The front door would be replaced with glazed timber framed double doors with side lights. In addition, one rooflights is proposed for both the front and rear roof slopes.

5.0 CONSULTATION

- 5.1 This section outlines the consultation carried out by 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 in the surrounding area and the relevant ward Councillors. The Blackheath Society were also consulted.
- 5.3 The Blackheath Society raised objections to the proposed development on the grounds that the extension would result in an unacceptable sense of enclosure for the occupants of properties to the south-east and that the roof terrace would result in an unacceptable degree of overlooking, resulting in an adverse impact on privacy.
- 5.4 Following the submission of a drawing clarifying the level of screening provided by the planting and balustrade, the Blackheath Society accepted that impact on privacy was acceptable.

Written Responses received from Local Residents and Organisations

- 5.5 Objections to the proposed development were received from two local residents. The concerns raised within the objections are summarised below:

Material Planning Consideration	Where addressed in the report
Proposed materials of the extension	Para 7.7
Impact on light	Para 7.17
Impact on outlook	Para 7.17
Overlooking and privacy	Para 7.18

- 5.6 An objection was also raised to the impact of the development on the marketability of the neighbouring properties. However, this is not considered to be a material planning consideration.
- 5.7 Similarly, the objection to the impact on airflow in the vicinity of the development is not considered to be a material planning consideration given the relatively modest scale of the extension.

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 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 Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August 2018. The Examination in Public commenced on 15 January 2019 and is scheduled to conclude on 17 May 2019. This document now has some limited weight as a material consideration when determining planning applications.

The emerging London Plan policies relevant to this application are:

D1 London's form and characteristics

D2 Delivering good design
HC1 Heritage conservation and growth

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

Policy 6.9 Cycling
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

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:

Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 14 Sustainable movement and transport
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:

- Principle of Development
- Design & Conservation
- Impact on Adjoining Residents
- Highways & Transport

Principle of Development

- 7.2 The 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
- 7.3 The application property is in residential use and it is considered that its alteration and expansion for the purposes of continued residential occupation is acceptable in principle, subject to matters of design, conservation and impact on neighbouring amenity. These matters are considered further below.

Design & Conservation

- 7.4 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.
- 7.5 Chapter 16 of the revised NPPF relates to conserving and enhancing the historic environment. The principles and policies set out in Chapter 16 apply to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making, decision-taking and design.
- 7.6 DM Policy 36 requires all extensions to be compatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

Rear extension and roof terrace

- 7.7 The proposed timber cladding and aluminium doors are considered high quality contemporary materials that would complement the architecture and form of the property. The proposed hipped roof replicates the form of the main roof and is therefore considered acceptable. The extension is set back from the rear elevation by 4.6m and set down from the ridge of the main roof slope by 1.5m providing an appropriate level of subservience to the host property. In addition, the use of the complementary contrasting cladding material would identify the extension as new built form, to be read as subservient addition to the original property. A condition is recommended to secure the specification of the timber cladding and all other external materials prior to their installation.
- 7.8 The proposed obscure glazed balustrade would be in keeping with the contemporary appearance of the extension. The 1.1m height of the balustrade is considered to be proportionally subservient to the host property. Officers are satisfied that the proposed extension would have a limited visual impact on the character of the Blackheath Conservation Area given its siting to the rear, subject to a condition to secure the installation and retention of the balustrade.

- 7.9 Overall, the proposed extension and roof terrace is considered to accord with the principles of DM Policy 36 by virtue of the high quality complementary materials and proportionate scale.

Front elevation

- 7.10 The proposed removal of the garage door is not considered to be objectionable given that internal garages are not a prevailing characteristic of properties on Blackheath Vale. The proposed timber casement windows would be in keeping with the design, proportion and alignment of the existing first floor windows. The use of timber would enhance the character of the property by introducing a high quality traditional window material to the front façade.
- 7.11 The proposed glazed front door and sidelights would not be in keeping with the front entrances on the road. However, the removal of the incongruous porch and balcony is considered an enhancement to the appearance of the property. Furthermore, the property is an infill development built in the 1970s and as such, the architectural style of the building differs considerably from that of the majority of Blackheath Vale. The timber frame would provide the entrance with a high quality appearance and therefore the replacement front door is not considered harmful to the Blackheath Conservation Area. It is also noted that Blackheath Vale does not have an Article 4 Direction removing permitted development rights relating to development to the front of the property, however, the alterations to the front elevation are considered to result in significant benefit to the appearance of the building and therefore the design and materials will be secured by condition.

Side and rear elevations

- 7.12 The proposed installation of glazed doors and a window in the side elevations of the property would not be visible from the public realm due to the side gates and electricity substation, which would prevent a significant visual impact to the Blackheath Conservation Area.
- 7.13 The proposed bin and bike store in the back garden would also be screened by the substation, limiting the impact on the Blackheath Conservation Area. The store is considered subordinate to the property by virtue of its modest scale and the large back garden. Officers also note that the store would comply with the parameters of permitted development for an outbuilding.
- 7.14 The proposed aluminium framed door in the rear elevation would be similar to the rear door in the proposed extension. As noted above the high quality contemporary design of the door is considered to complement the host property and as such is considered acceptable.

Roof

- 7.15 Following amendments, the proposed front rooflight would be a flush fitting heritage style rooflight in accordance with requirements of the Residential Standards SPD: this would be secured by condition. The proposed rooflight in the rear roof slope would not be prominent to the streetscene and as such is not considered objectionable.

Impact on Adjoining Residents

- 7.16 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to the occupants of adjoining houses and their back gardens.

Rear extension and roof terrace

- 7.17 The proposed first floor rear extension would be set in a minimum 8.5m from the boundary with adjacent properties to the side (south-western) boundary and set in by 13.5m from the rear boundary. The height of the extension and its distance from the gardens and rear walls of the properties to the south-west is such that there is no risk of material harm to the living conditions of those properties. This is the case in terms of all aspects of amenity including a sense of enclosure, loss of outlook and loss of privacy. This judgement allows for the fact the deciduous trees located on the boundary would not provide year round screening. The large retaining wall running along the north-eastern boundary is considered sufficient to prevent any significant impact on amenity at 10 Duke Humphry Road.
- 7.18 The existing flat roof of the rear projection can be accessed by a door in the first floor of the rear elevation but does not benefit from any form of balustrade. A 1.1m obscure glazed balustrade around the perimeter of the terrace would screen the proposed roof terrace. The balustrade would be installed on the parapet of the existing flat roof to a height of 1.5m above the floor level of the terrace. Raised planters adjacent to the balustrade would result in the terrace being set in by 0.9m. Officers consider the height and depth of the screening to be sufficient to prevent direct views of the gardens and ground floor amenity areas of the neighbouring properties. A condition is recommended to secure installation and retention the balustrade and raised planters.
- 7.19 The terrace is sufficiently far from the neighbouring properties to prevent any unacceptable noise disturbances in normal residential use. The use of the terrace for large social gatherings is unlikely given that the terrace adjoins a bedroom and the 17.4m area of the terrace is significantly smaller than the existing garden space below. Nevertheless, the worst-case scenario of anti-social behaviour resulting in a statutory noise nuisance would be addressed via Environmental Health legislation.
- 7.20 Overall, the proposed extension and terrace area are not considered harmful to residential amenity and are therefore compliant with DM Policy 31.

Front, side and rear elevations

- 7.21 The proposed fenestration in the front elevation would overlook the public highway and as such are considered to be acceptable with regard to the impact on residential amenity.
- 7.22 The proposed doors and windows in the side and rear elevations of the property would look onto the rear and side gardens of the property. The side and rear boundaries have boundary treatments of typical size which are considered to be sufficient to prevent any unacceptable overlooking to neighbouring properties.
- 7.23 The bin and bike store is of modest height and therefore is not considered to result in any unacceptable impacts to amenity at No's 17 or 19 Blackheath Vale.

Roof

- 7.24 Outlook from the proposed rooflights would be to the sky not into surrounding properties and as such are not objectionable. Therefore, it is considered that the rooflights would not result in a perceptible loss of privacy to neighbouring properties.

Highways & transport

- 7.25 The provision of bike store is welcomed and accords with the principles of Policy 6.9 of the London Plan which seeks to increase cycling levels in London. The loss of the garage is not considered objectionable given that the property retains a driveway providing two parking spaces and as such is unlikely to result in increased parking pressures within the locality.

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. CIL is not payable on this application and the applicant has completed the relevant form.

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 Article 8 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 considerations.
- 11.2 Officers consider that the proposed development would result in an acceptable visual impact to the application property and Blackheath Conservation Area by virtue of the high quality complementary materials proposed and the proportionate scale of the extension. Officers are also satisfied that the development would not result in any unacceptable impacts to the amenity of the neighbouring occupiers. Paragraph 196 of the revised NPPF states that where less than substantial harm is identified, the harm should be weighed against the public benefits of the proposal. In this case the development is not considered to result in harm to the building. Therefore, the scheme is considered acceptable and compliant with DM Policies 30, 31 and 36.

12.0 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:

BHV-P-EX-000; BHV-P-EX-001; BHV-P-EX-100; BHV-P-EX-101; BHV-P-EX-102; BHV-P-EX-200; BHV-P-EX-300; BHV-P-EX-301 received 26 September 2018;

BHV-P-PR-001 rev B; BHV-P-PR-100 rev B; BHV-P-PR-101 rev B; BHV-P-PR-102 rev B; BHV-P-PR-200 rev B; BHV-P-PR-201 rev B; BHV-P-PR-202 rev B; BHV-P-PR-300 rev B; BHV-P-PR-301 rev B received 3rd December 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 development shall commence on site until a detailed schedule and specification of all external materials, windows, external doors and roof

coverings to be used on the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011), DM Policy 30 Urban design and local character and 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 of the development Management Local Plan (November 2014) and the Residential Standards Supplementary Planning Document (2012).

- (4) The use of the first floor roof terrace hereby approved shall not commence until the glazed balustrade and planters have been installed in accordance with the approved plans. The glazed balustrade and planters shall be retained for the lifetime of the development.

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).

- (5) The proposed rooflight in the front roofslope shall be a heritage style rooflight in accordance with drawing BHV-P-PR-300 rev B.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011), DM Policy 30 Urban design and local character and 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 of the development Management Local Plan (November 2014) and the Residential Standards Supplementary Planning Document (2012).

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