

Committee	PLANNING COMMITTEE (C)	
Report Title	79 CHINBROOK ROAD, LONDON, SE12 9QL	
Ward	GROVE PARK	
Contributors	GEOFF WHITINGTON	
Class	PART 1	31 October 2019

Req. Nos. DC/19/112752

Application dated 31 May 2019

Applicant Dunthorne Parker Architects on behalf of  
Chinbrook Properties Ltd

Applicants Plan Nos. 064-A-001 Rev 02; 064-A-010 Rev 03; 064-A-019 Rev 02; 064-A-020 Rev 02; 064-A-021 Rev 02; 064-A-022 Rev 02; 064-A-023 Rev 02; 064-A-030 Rev 01; 064-A-031 Rev 01; 064-A-032 Rev 01; 064-A-033 Rev 01; 064-A-034 Rev 01; 064-A-035 Rev 01; 227; 228; 233; 234;

Planning Statement; Design & Access Statement; Structural Inspection Report; Energy Statement; Transport Statement; Flood Risk/Surface Water Assessment (Version 1.1); Appendix A: Collection of Figures; Appendix E: Proposed Surface Runoff Improvement Measures (SUDS) (Received 19 June 2019);

221A; 222A; 223A; 224A; 225A; 226A; 229A; 230A; 231A; 232A; (Received 16 September 2019)

Proposal Demolition of the existing side and rear additions, and the construction of a new three storey (including lower ground floor) rear extension, two storey side extension (including lower ground floor) in place of an existing garage, remodelling of the roof including an increase in height and the construction of two gable extensions with balconies above the front bays, alterations to the existing windows and doors and installation of new windows in the east elevation to facilitate the provision of eight self-contained flats (2 x 1 bedroom, 3 x 2 bedroom and 3 x 3 bedroom) at 79 Chinbrook Road, SE12, together with remodelling of the front curtilage to provide a single vehicular entry point and four car parking spaces along with the provision of landscaping as well as associated bin and cycle parking storage enclosures.

## Background Papers

- (1) Core Strategy (adopted June 2011)
- (2) Development Management Local Plan (adopted November 2014)
- (3) Local Development Framework Documents
- (4) The London Plan (Consolidated with Alterations since 2011) (2016), and Mayors' SPG/SPDs, Best Practice Guidance

## Designation

PTAL 4  
Flood Zone 1

## **1 SUMMARY**

- 1 Decisions on planning applications must be made in accordance with the development plan unless material considerations indicate otherwise (Section 38 (6) of the Planning and Compulsory Purchase Act 2004).
- 2 The application is before committee because it is a departure from the development plan. A 'departure' application is a planning application that is not in line with, or 'departs from', the development plan in force in the area where the application is made.
- 3 The proposal is a departure from the development plan with respect to Lewisham Development Management Local Plan (2014) Policy DM 3: Conversion of a single family house to two or more dwellings.
- 4 Officers have publicised the application in accordance with the relevant provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 by publication of a notice in a newspaper circulating in the locality.

## **2 SITE AND CONTEXT**

- 5 The site lies on the northern side of Chinbrook Road and covers approximately 1,225sqm. The site is occupied by a part two/ part four-storey detached dwellinghouse that is in a state of considerable disrepair.
- 6 The building appears to have been vacant for some time and the Council's Electoral Services confirmed that the property has been listed as empty since 2014. The property was purchased by the applicant at auction in May 2016.
- 7 79 Chinbrook Road is a late 19C Victorian villa possibly constructed around 1880-1890 and is an example of classically styled independent suburban Victorian architecture. Nos 79 and 81 Chinbrook Road appear to be the last remaining buildings from this period which would have historically typified the immediate local townscape.
- 8 The site is located in a predominately residential area set within a suburban terrace typology, typified by detached and semi-detached dwellings. Whilst the area has been modified with post-war blocks of flats, particularly on the south side of

Chinbrook Road and to the rear of the site, the northern side of Chinbrook Road has retained a number of semi-detached and detached dwellings such as the application building.

- 9 The site is not located in a conservation area. The detached villa at 79 Chinbrook Road is not a listed or a locally listed building, and is not in the vicinity of any listed buildings. However, as 79 Chinbrook Road is a good example of Victorian architecture and is one of the oldest remaining villas of this style within the locality, it is considered to be an undesignated heritage asset.
- 10 Chinbrook Road is a classified 'B' Road and is located within a Controlled Parking Zone (CPZ). The CPZ also extends to neighbouring streets including Amblecote Road and Le May Avenue. The site has a PTAL rating of 4. There are currently two points for vehicular access, enabling cars to enter and exit the driveway in a semi-circle.
- 11 There is a significant change in land levels with the property to the east (No.81) sitting at a higher level and to the west (No.77) at a lower level. The front garden is generally level, but the rear garden falls away from the building.
- 12 The site falls within Flood Zone 1.

### **3 RELEVANT PLANNING HISTORY**

- 13 On 12 October 2017, permission was granted by Members at Committee C for the 'Demolition of the existing side and rear additions, and the construction of a new three storey (with a basement) rear extension, remodelling of the roof including an increase in height and the construction of two gable extensions with balconies above the front bays, alterations to the existing windows and doors and installation of new windows in the east elevation to facilitate the provision of six self-contained flats at 79 Chinbrook Road, together with remodelling of the front curtilage to provide a single vehicular entry point and four car parking spaces along with the provision of landscaping as well as associated bin and cycle parking storage enclosures.'
- 14 To date, no works relating to the permission have been undertaken, and the property remains vacant. The 3 year permission is due to expire in October 2020.

### **4 CURRENT PLANNING APPLICATION**

- 15 The current application is similar to the 2017 consent, however 8 self-contained flats are now proposed, with the two additional units being located within a lower ground floor area that would occupy the entire footprint of the building. Three metre deep lightwells would be formed to the front of the building to provide natural light to two bedrooms.
- 16 The application also proposes the following works:
  - Demolition of the existing side and rear garages;
  - The construction of a new three storey (including lower ground floor) rear extension, sited 3.75m beyond the existing rear building line;

- Construction of a two storey side extension (including lower ground floor), replacing the existing garage on the eastern side;
- The existing roof would be remodelled, with an increase in height of 0.5 metres, together with the construction of a dormer in the rear roof slope;
- The construction of two gable extensions with balconies above the front bays;
- Alterations to the existing windows and doors and installation of new windows in the east elevation.

17 The proposed works would facilitate the provision of eight self-contained flats, comprised of:

- Three, 3 bedroom 5 person;
- One, 2 bed 4 person;
- Two, 2 bed 3 person;
- Two, 1 bed 2 person.

18 This compares with the 2017 approval for six self-contained units, comprised of 2 x three bedroom, six-person duplex family units at ground and lower ground floors with private rear gardens; 2 x two-bedroom, three-person units at first floor level; and 2 x one-bedroom, two person flats within the roofspace.

19 The front curtilage would provide a single vehicular entry point, accommodating four car parking spaces in the forecourt, together with the provision of hard and soft landscaping measures. The parking spaces will be individually allocated to the three, 3-bedroom units.

20 Dry and secure bicycle storage provision of 14 spaces in a lockable multiple bike store unit within the front forecourt would be provided.

21 Bins would be located in an enclosed communal refuse store adjacent to the entrance/exit of the property.

## 5 CONSULTATION

### 5.1 APPLICATION PUBLICITY

22 The Council's consultation was undertaken in accordance with the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

23 Letters were sent to neighbouring residents in the surrounding area and the relevant ward Councillors on 11 July 2019. Additionally, the application was publicised by a site notice and a press advert.

24 Subsequently, no responses were received from individual households.

25 The Environment Agency raised no objections to the proposal.

## **5.2 INTERNAL CONSULTATION**

26 The following internal consultees were notified on 11 July 2019.

27 Highways officer: Raise no objections.

28 Environmental Health: Did not comment.

29 Urban Design: Raise no objections.

30 Conservation: Raise no objections.

## **POLICY CONTEXT**

### **LEGISLATION**

31 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

## **6.2 MATERIAL CONSIDERATIONS**

32 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

33 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

34 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

35 Draft London Plan (July 2019): The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public commenced on 15 January 2019 and concluded on 22 May 2019. This document now has some limited weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP).

## **6.3 NATIONAL POLICY & GUIDANCE**

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

## **6.4 DEVELOPMENT PLAN**

36 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)

## **6.5 SUPPLEMENTARY PLANNING GUIDANCE**

37 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

38 London Plan SPG/SPD

- Sustainable Design and Construction (April 2014)
- Housing (March 2016)

## **7 PLANNING CONSIDERATIONS**

39 The main issues are:

- Principle of Development;
- Design;
- Standard of accommodation;
- Residential Amenity;
- Transport and Highways;
- Waste management;
- Flood Risk.

### **7.1 PRINCIPLE OF DEVELOPMENT**

#### **General policy**

40 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.

41 Lewisham is defined as an Inner London borough in the London Plan. LPP 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting

and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.

## **Policy**

- 42 The National Planning Policy Framework (NPPF) speaks of the need for delivering a wide choice of high quality homes which meet identified local needs (in accordance with the evidence base) and widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 43 The current London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sized and tenures in accordance with Local Development Frameworks. Residential developments should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment.
- 44 Policy H2A(A) 'Small sites and small housing developments' of the draft London Plan states that small sites should play a much greater role in housing delivery to achieve the ten year housing targets set out in Policy H1 Increasing housing supply. Boroughs should pro-actively support well-designed new homes on small sites through both planning and plan-making. There should be a presumption in favour of small housing developments of between 1 and 25 homes, including (but not limited to) residential conversions and residential extensions.
- 45 The policy also states that the presumption in favour of small housing developments means approving small housing developments unless it can be demonstrated that the development would give rise to an unacceptable level of harm that outweighs the benefit of additional housing provision.
- 46 Locally, Core Strategy Policy 1 Housing provision, mix, and affordability sets out that housing developments will be expected to provide an appropriate mix of dwellings having regard to criteria such as the physical character of the building and site and location of schools, shops, open space and other infrastructure requirements (such as transport links).
- 47 The purpose of DM Policy 3 is to manage the future subdivision of single family homes into self-contained flats, with the focus of retaining a wide choice of quality housing and a mixed housing base. The Council, under DM Policy 3, will refuse planning permission for the conversion of a single family house into flats except where there is a lack of external amenity space and where the house is adjacent to noise generating or other environmentally unfriendly uses. Additionally, any single family house considered suitable for conversion according to DM 3 will need to have a net internal floorspace greater than 130sq.m.

## **Discussion**

- 48 It must be acknowledged that whilst the conversion of a dwelling-house represents a departure from DM Policy 3, the principle of converting the host building to provide six flats was established at Planning Committee C in October 2017. The permission remains extant, and so may be implemented.

- 49 In regard to DM 3, the application property is not located next to noise generating or other environmentally unfriendly uses. In 2017, officers were mindful that at 325sqm and with 5 bedrooms, and 4 reception rooms, the application property is significantly larger than a typical single family home that DM Policy 3 refers to and aims to protect.
- 50 Furthermore, the property featured multiple meter boxes, two kitchens with boilers and a separate access to the rear garden from the upper floor, which indicated that it had not been in use as a single family dwelling house. A lack of internal subdivision into individual units indicated that it had been in use as a house of multiple occupation (HMO), in a similar way to No.81 Chinbrook Road.
- 51 The current proposal would deliver 8 self-contained flats, of which three would be 3 bedroom family units.
- 52 The Design and Access Statement submitted in support of the 2017 application asserted that the property was in need of complete refurbishment and comprehensive structural works, including underpinning of all structural walls and potentially part-rebuild of the front elevation (left hand bay) which has been affected by subsidence. It stated that neither the size of the house nor the financial investment required for the retention of the building as a single family dwelling presented a financially viable option.
- 53 To substantiate this claim, a Financial Viability Assessment by Urban Delivery was provided. They concluded that based on the outputs from their viability assessment, the costs of renovating the existing property to provide a single large family dwelling would be unviable and therefore unlikely to be delivered.
- 54 The sensitivity testing also indicated that reductions in costs of 30% would be necessary while sales values would also need to increase by around 30% to generate a financially viable scheme.
- 55 A Structural Engineering Inspection Report (Appendix 1), referred to in the Viability Assessment was submitted. The report confirmed that some structural movement is apparent at a number of locations within the building and it is considered to be due to inadequate foundations or movement of the foundations since construction. The report recommended that the left hand bay window structure, which has been subject to significant structural movement should be taken down and re-built with a sound foundation on competent soils.
- 56 Since the application was determined in October 2017, officers are unaware of any structural works being undertaken to the property.
- 57 The principle of sub-division of the dwelling has already been established by the previous decision of Planning Committee C. Officers maintain that the current proposal to convert the property would ensure its restoration to habitable use following a long period of vacancy, whilst providing much needed housing (including 3 x three-bedroom, five person family units), in line with the outcome of the extant 2017 scheme whereby a balanced view of the proposal was undertaken and the principle of conversion was considered acceptable.

## **DESIGN**

General Policy

- 58 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 59 Core Strategy Policy 15 and Local Plan Policies DM 30, and DM 31 set out the detailed considerations and issues that need to be considered and addressed by development applications in order to achieve the high standards of development required.
- 60 Core Strategy Policy 16 and Local Plan Policies DM 37, and DM 38 relate to conserving the value and significance of the borough's heritage assets and their settings, which include non-designated assets.
- 61 DM Policy 37 (Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest) states that the Council will protect the local distinctiveness of the borough by sustaining and enhancing the significance of non-designated heritage assets. Development proposals affecting non-designated heritage assets should be accompanied by a heritage statement proportionate to the significance of the asset and which justifies the changes to the asset.
- 62 LPP 7.6 expects the highest quality materials and design appropriate to context.

### **Discussion**

- 63 The application property is not statutory or locally listed, although it remains as a good example of Victorian architecture and is one of the oldest remaining villas of this style within the immediate context. The application building provides a strong reference point and has a townscape value as an example of original surviving architectural variety in an area which is otherwise dominated by residential development, change and re-development during the 20th century which reflects this earlier architectural period in an area heavily damaged by bombs.
- 64 Notwithstanding the above, officers acknowledge that the significance of the existing building has been somewhat harmed by later alterations such as the application of 'pebble dash' across the bottom half of the front elevation, incorporation of concrete ridge tiles, the two garages to each side, and replacement of its brick boundary. It is also clear that that the property is in need of comprehensive structural works due to subsidence.
- 65 From an urban design perspective, the proposed scheme has taken on board the architectural importance of the villa, and worked it into the scheme by retaining some of the more traditional features of the front façade, particularly the bays. This approach is considered to be the most logical response for the building, as it finds a balance between the need for the retention of the building and providing a viable scheme.
- 66 The development proposed would extend outside the existing envelope in terms of height and its projection into the rear garden. There are no in principle objections to this increase in scale as the resulting building would remain consistent with the existing relationship to neighbouring properties at Nos 77 and 81 Chinbrook Road and its wider context. It is also noted that the proposal would remove the existing garages to the side of the building, which would lead to the restoration of the characteristic gap between the dwellings on the western side.

- 67 The detailed design of the proposed refurbishment elements and extensions is considered to be sympathetic to the existing building. Whilst the addition of the twin gable ends and new roofscape would alter the appearance of the host building, the proposal would re-interpret the existing form in a contemporary manner.
- 68 In terms of materiality, the palette would be consistent with the original, unaltered parts of the existing dwelling. The existing 'pebble dash' across the bottom half of the elevation is detrimental to the appearance of the traditional villa and in the proposed scheme would be removed and replaced with high quality brickwork.
- 69 This will not only reinstate a traditional material, but it would also serve to relate more successfully with No. 81 Chinbrook Road which is considered to be a finer example of this traditional Villa typology and is much more complete in terms of its state of preservation with its large red and blue brick boundary wall intact, and architectural features.
- 70 Red brick is proposed as the primary material across the elevations, which is contrasted with feature elements of render and reconstituted stone. Timber framed windows and slate roof tiles are proposed to match existing. These materials are supported in principle and this permission, should it be granted, will secure the material specifications and samples by a way of condition in order to ensure quality and consistency with the existing, unaltered parts of the building.
- 71 The Council's Alterations and Extensions SPD (2019) generally resists the formation of lightwells to the front of buildings to avoid any harmful impact upon the public realm, however in this case, these would be sited approximately 15 metres back from the edge of the pavement, whilst planting measures are proposed to the surround railings to provide screening. Officers therefore raise no objections toward the proposed siting and appearance of the lightwells and railings to the front of the building, and are satisfied there would be no harmful impact upon the public realm.
- 72 A condition requiring boundary treatment, including walls and fences will be included. Metal gates shown on either side toward the front of the building formed part of the 2017 scheme, however officers will assess the details to confirm their appearance would be acceptable.
- 73 Limited detail has been provided with regard to the landscaping of the front garden and the proposed subdivision of the rear garden for private outdoor amenity spaces, therefore a detailed landscape plan (including land levels), hard landscaping and provision of planting would be requested should planning permission be granted.

### **Design conclusion**

- 74 In light of the above and on balance, officers have reached a view that the proposal would not be detrimental to the significance of the application property, with the external appearance of the proposal being largely the same as the 2017 approval, apart from the construction of a 2-storey extension to the eastern side, and the provision of two front lightwells. The proposal is therefore considered to satisfy the requirements of Core Strategy Policy 16 and Local Development Plan Policies DM 30, DM 31, DM 37 and DM 38.

## HOUSING

- 75 This section covers: (i) the dwelling size mix; and (ii) the standard of accommodation.

### Residential Quality

#### General Policy

- 76 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP 3.5), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2016, GLA; Alterations and Extensions SPD 2019, LBL).
- 77 DM Policy 32 'Housing design, layout and space standards' and Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision.
- 78 In March 2015 the Government published the 'Technical Housing Standards - Nationally Described Space Standard', to rationalise the varying space standards used by local authorities.
- 79 London Plan Policy 3.5 and Table 3.3 set out minimum space standards which all proposed dwellings are expected to meet or exceed. DM Policy 32 (Housing design, layout and space standards) and Core Strategy Policy 15 also seek to protect and improve the character and amenities of residential areas in the Borough.

#### Discussion

- 80 As shown in Table 1 below, the proposed internal floor areas of each unit would exceed the space standards set by Policy 3.5 of the London Plan, the National Technical Standard and DM Policy 32. In addition, all habitable rooms would accord with minimum guidance, as would floor to ceiling heights.

Unit	Unit Type	GIA	Policy Requirement	Pass/Fail
LG.01	3 bedroom/ 5 person	89sqm	86sqm	Pass

LG.02	3 bedroom/ 5 person	106sqm	86sqm	Pass
G.01	2 bedroom/ 4 person	74.5sqm	70sqm	Pass
G.02	3 bedroom/ 5 person	97sqm	86sqm	Pass
1.01	2 bedroom/ 3 person	76sqm	61sqm	Pass
1.02	2 bedroom/ 3 person	77sqm	61sqm	Pass
2.01	1 bedroom/ 2 person	55sqm	50sqm	Pass
2.02	1 bedroom/ 2 person	55sqm	50sqm	Pass

[Table 1: Unit Sizes]

- 81 All units would be afforded external amenity spaces in the form of balconies, compliant with the London Plan thresholds. It is also noted that the public open space at Chinbrook Meadows is located within a short walking distance. The rear garden would be in sole use as private amenity space for the lower ground floor family units. Side gates would prevent access to the side of the building thereby addressing potential concerns over privacy and security.
- 82 To this end, officers are satisfied that the proposed development would comply with the requirements of DM Policy 32 and Policy 3.5 of the London Plan (2016).

### **Outlook & Privacy**

#### **Policy**

- 83 London Plan Policy 3.5 seeks high quality internal and external design of housing development. Emerging draft London Plan Policy D1B(7) requires development to achieve ‘appropriate outlook, privacy and amenity’. Within the same document, policy D4E seeks to maximise the provision of dual-aspect dwellings (i.e. with two openable windows).
- 84 DM Policy 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

#### **Discussion**

- 85 The proposed units would be afforded minimum dual aspect – 6 of the 8 units being triple aspect - and provided with suitable outlook distances and views from habitable spaces.
- 86 As a consequence of the submerged nature of the lower ground floor, the front outlook would be predominantly towards stepped lightwells, allowing outlook for the two bedrooms of 2.5m from the projecting bays, which would be acceptable.
- 87 In regard to the lower ground floor bedrooms 1 and 2 in Unit LG.02, these would depend upon a shared lightwell to the eastern side for outlook and light intake. Since the original submission, the depth of the lightwell has been extended to 3m to allow for additional natural light and outlook to the two bedrooms. Subsequently, officers are satisfied with this arrangement.
- 88 The rear living rooms would have adequate outlook toward their private patios and gardens.

- 89 It is acknowledged that both lower ground floor units would be triple aspect and the generous surplus in the size of the individual rooms, the overall floor area and directly accessible and generous private amenity space would sufficiently mitigate this limitation.
- 90 In regard to the ground, first, and second floor units, the proposed standard of accommodation would be acceptable.
- 91 In light of the above, overall officers are satisfied that appropriate outlook, privacy and ventilation would be provided to future occupiers of the units.

## **Daylight and Sunlight**

### **Policy**

- 92 London Plan Policy 3.5 seeks high quality internal and external design of housing development. Emerging draft London Plan Policy D1(8) requires development to achieve 'appropriate outlook, privacy and amenity'. DM Policy 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents. The London Housing SPD and the Lewisham Alterations and Extensions SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces.

### **Discussion**

- 93 The applicant has produced a BRE assessment for the proposed units, which demonstrates that the two lower ground floor bedrooms referred to in para.87 would receive adequate levels of daylight (Average Daylight Factor (ADF), both exceeding the target of 1%.
- 94 Given the dual aspect, north/south orientation, and the abundance of glazing proposed, the dwelling would be provided with good levels of natural daylight and sunlight. All habitable rooms would be provided with at least one opening, and the levels of daylight overall is considered good.

### **Housing conclusion**

- 95 Officers are satisfied that the design and layout of the proposed units would be acceptable, and the proposal would provide a high standard of residential accommodation.
- 96 The proposal would deliver high quality residential units, including family sized dwellings, for which there is an identified need in the area. The proposal is therefore considered acceptable in this regard, and in accordance with the aforementioned policies

## **LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

- 97 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL).
- 98 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 99 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.

### **Discussion**

#### *No.81 Chinbrook Road*

- 100 Given the existing relationship at the boundary and the fact that No.81 Chinbrook Road sits higher due to the change in land levels, the proposed rear extension and the small increase in the height of the roof including the alteration to its pitch would have no significant impact on outlook or provision of daylight and sunlight to this property.
- 101 The proposed 2-storey side extension would result in no significant visual harm, attributed to being partly submerged below the established ground level.
- 102 There would be new windows installed within the flank facing No.81, however, these would be of an oriel type offering oblique viewing angles that would not give rise to any overlooking issue.

#### *No.77 Chinbrook Road*

- 103 With regard to the impact of the proposal on No.77 Chinbrook Road, it is noted that part of the rear garden closest to this property currently experiences a degree of enclosure. Officers do not consider that any additional increase in sense of enclosure resulting from the proposed extensions would be readily perceivable from the rear garden and the conservatory, and consequently the proposal is not considered to result in an unneighbourly or overbearing relationship to the extent that would justify a refusal of planning consent.
- 104 Officers are satisfied that outlook from No.77 would not be materially affected by the proposal, particularly given the predominant aspect available is of an open and generous rear garden and this aspect would remain unchanged.
- 105 Given the geographical orientation of the properties and the position of existing windows serving habitable rooms, officers do not consider there would be any significant reduction in daylight or sunlight. A daylight/ sunlight study of neighbouring properties has not been undertaken in this case.
- 106 Officers are mindful that a degree of inter-visibility between properties is common and acceptable within an urban context. In this instance there are existing flank windows facing No.77 but no additional windows are proposed.
- 107 As such, the proposals are considered to satisfactorily respond to the constraints of the site and the possible implications on amenity by way of overlooking and sense

of enclosure have been addressed in the design of the proposals. The position of the extensions would ensure appropriate separation distances to neighbouring properties, while the orientation of balconies and the unit layouts would limit the infringement on privacy.

### **Impacts on Neighbours conclusion**

- 108 For the reasons as stated above, no undue loss of daylight, sunlight, outlook or privacy are considered to be generated upon any neighbour as a result of the proposal, and would be no greater than the 2017 approval. The amenity impacts to adjoining occupiers is therefore considered to be acceptable.

## **TRANSPORT IMPACTS**

### *General Policy*

- 109 Policy 6.1 of the London Plan (2016) sets out the Mayor's strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.
- 110 Core Strategy Policy 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

### **Discussion**

#### *Car Parking*

- 111 The application site is relatively well connected to the wider public transport network with a PTAL rating of 4. Grove Park Train Station lies an approximate 10 minute walk away, whilst there are a number of bus stops along Chinbrook Road.
- 112 In this instance, there is an existing looped driveway providing an informal parking area for multiple vehicles. It is proposed that vehicular and pedestrian access would be taken via a single driveway access onto Chinbrook Road to replace the two existing accesses which, by reducing the number of accesses is considered to be a positive impact on the local highway network. The Applicant confirmed that all construction would take place before the removal of the two existing crossovers, and the formation of the new central crossover.
- 113 The development would provide 4 car parking spaces on-site, greater than the anticipated demand of up to 3 vehicles (based on census data for the area) but not exceeding the maximum standard set out in the emerging London Plan. Consequently, there would be no impact on parking stress levels in the vicinity of the site. The applicant has advised the spaces would only be allocated to the 3

family units. This will be addressed within a parking management plan that will be secured by condition.

- 114 A Construction Management Plan will be requested by condition.

*Cycle Parking*

- 115 14no. secure, fully enclosed cycle parking spaces would be provided within a store that would be located adjacent to the western boundary, in accordance with the London Plan. Details of the cycle parking facilities would be secured by condition to ensure the cycle store would be accessible, and acceptable in appearance.

*Refuse Storage*

- 116 The applicant has provided locational and elevation details of refuse and recycling within the forecourt of the property. The proposed location of the bin stores adjacent to the southern boundary is considered acceptable, with existing trees providing some screening.

**Highways Conclusion**

- 117 In light of the above, the impact of the proposal on highways is acceptable, and no objections are raised. The proposed parking management plan; refuse and recycling storage; cycle facilities and a Construction Management Plan will be secured by condition.

**FLOOD RISK and CONTAMINATION**

- 118 The site lies outside of Flood Zones 2 and 3 and is therefore at low risk of flooding. The Soil Contamination Report demonstrates that there is no potentially contaminating previous use and there is no aquifer in connection with the site. Environmental Agency confirmed that it is a low risk proposal.

- 119 In regard to rain water run-off, a geo-cellular storage tank measuring 13.5sqm would be located within the front garden below the soft landscaped area, and would discharge into the public sewer at a controlled rate of not more than 5 litres per second. This is considered to be acceptable in principle.

**LOCAL FINANCE CONSIDERATIONS**

- 120 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

- 121 The weight to be attached to a local finance consideration remains a matter for the decision maker.

- 122 CIL is therefore a material consideration. £17,072.43 Lewisham CIL and £11,733.99 MCIL is estimated to be payable on this application, subject to any valid applications

for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

## **EQUALITIES CONSIDERATIONS**

- 123 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.
- 124 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - advance equality of opportunity between people who share a protected characteristic and those who do not;
  - foster good relations between people who share a protected characteristic and persons who do not share it.
- 125 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.
- 126 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> and <https://www.equalityhumanrights.com/en/publication-download/services-public-functions-and-associations-statutory-code-practice>
- 127 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
  - Meeting the equality duty in policy and decision-making
  - Engagement and the equality duty
  - Equality objectives and the equality duty
  - Equality information and the equality duty
- 128 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>

- 129 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.

### **HUMAN RIGHTS IMPLICATIONS**

- 130 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:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

- 131 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.

- 132 This application has the legitimate aim of providing a new three storey (including lower ground floor) rear extension, two storey side extension to facilitate the provision of eight self-contained flats (2 x 1 bedroom, 3 x 2 bedroom and 3 x 3 bedroom). The rights potentially engaged by this application, including respect for your private and family life, home and correspondence and the freedom to enjoy one's home are not considered to be unlawfully interfered with by this proposal.

- 133 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above 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.

### **CONCLUSION**

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

- 135 The proposal to convert the single dwelling-house to provide self-contained flats is a departure from the development plan with respect to Lewisham Development Management Local Plan (2014) Policy DM 3, however officers are satisfied that a conversion would be appropriate in this case, particularly as an extant permission for a similar scheme proposing the conversion of the host property to provide 6 residential units was granted permission in 2017. The principle of conversion therefore has already been agreed by the Council.

136 In comparison with the 2017 approval, the current scheme would be similar in respect of the 3-storey rear extension and roof profile alterations, however two additional units would be provided within an enlarged lower ground floor area, with the formation of two front lightwells, and a 2-storey extension to the eastern side. The proposed external alterations are considered to be acceptable, and would not harm the character of the host building.

137 Officers consider the proposed development is acceptable in principle, of no significant harm to the character of the application site or surrounding area, or upon residential amenity, whilst rehabilitating the vacant building that has become structurally compromised in recent years. The proposed standard of accommodation would accord with Housing SPG standards.

138 The proposed conversion and associated works are therefore recommended for approval, subject to appropriate conditions.

### **RECOMMENDATION**

139 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

### **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:

064-A-001 Rev 02; 064-A-010 Rev 03; 064-A-019 Rev 02; 064-A-020 Rev 02; 064-A-021 Rev 02; 064-A-022 Rev 02; 064-A-023 Rev 02; 064-A-030 Rev 01; 064-A-031 Rev 01; 064-A-032 Rev 01; 064-A-033 Rev 01; 064-A-034 Rev 01; 064-A-035 Rev 01; 227; 228; 229; 233; 234; (Received 19 June 2019);

221A; 222A; 223A; 224A; 225A; 226A; 230A; 231A; 232A; (Received 16 September 2019.)

**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 such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

- (a) Dust mitigation measures
- (b) The location and operation of plant and wheel washing facilities

- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
  - (i) Rationalise travel and traffic routes to and from the site.
  - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
  - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements.

The scheme shall thereafter be commenced in full accordance with the approved details.

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

4. (a) No development above ground level shall commence until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

5. (a) Prior to first occupation, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority.
- (b) No development above ground shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the residential units hereby granted and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

6. (a) No development above first floor shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2015), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

7. (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits, and planting measures to the front railings) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

8. (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the building and retained in perpetuity.

**Reason:** To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

9. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the south, east and west elevations or the roof of the building.

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

10. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the front elevation of the building.

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

11. The whole of the amenity space (including balconies and loggias) as shown on the drawings hereby approved shall be provided prior to first occupation, and retained permanently for the benefit of the occupiers of the residential units hereby permitted.

**Reason:** In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards DM Policy 3 Conversion of a single family house to two or more dwellings of the Development Management Local Plan (November 2014).

12. The whole of the car parking accommodation shown on drawing no.232A hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter

**Reason:** To ensure the permanent retention of the spaces for parking purposes, to ensure that the use of the building does not increase on-street parking in the vicinity and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Table 6.2 of the London Plan (2016).

13. 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.

**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).

14. (a) No development beyond piling shall commence on site until the Parking Management Plan indicating how the proposed car parking spaces will be allocated to the future residents has been submitted to and approved in writing by the local planning authority.
- (b) The Parking Management Plan shall be implemented prior to occupation of the building and retained in perpetuity.

**Reason:** In order to ensure adequate provision of car parking spaces for family size units and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

15. (a) No development above ground level shall commence until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

16. The development hereby approved shall not be occupied until the existing accesses have been closed, the highway reinstated and the new access has been constructed in accordance with the permitted plans, as shown on Plan no.232A.

**Reason:** To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

17. No development beyond piling shall commence on site until a detailed schedule and an on-site sample board of all external materials and finishes/ windows and external doors/ roof coverings to be used on the building has been reviewed 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 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, DM Policy 31 Alterations and extensions to existing buildings including residential extensions and

DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest.

## 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. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- C. 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.
- D. In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- E. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- F. The applicant must contact the London Borough of Lewisham's Highways Officer on 020 8314 7171 or [highways@lewisham.gov.uk](mailto:highways@lewisham.gov.uk) to make an application for the construction of a vehicle crossover and reinstatement of the two kerbs.