

Committee	PLANNING COMMITTEE C	
Report Title	26 HEDGLEY STREET, LONDON, SE12 8PE	
Ward	Lee Green	
Contributors	Luke McBratney	
Class	PART 1	26 <sup>th</sup> March 2020

Reg. Nos. (A) DC/19/115051

Application dated 14.12.19

Applicant Mr Morris

Proposal The construction of a single storey rear and side infill extension to the rear of 26 Hedgley Street, SE12.

Designation PTAL 2  
Flood Zone 3  
Lee Manor Conservation Area  
Lee Neighbourhood Forum  
Lee Manor Article 4(2) Direction  
Air Quality  
Area of Archaeological Priority – Lee

## 1 SUMMARY

- 1 This report sets out Officer's recommendations for the above proposal. The application is before Members for a decision as the recommendation is to approve and there has been one valid objection from the Lee Manor Society.

## 2 SITE AND CONTEXT

### *Site description and current use*

- 2 The site is a two storey mid-terrace house located on the northern side of Hedgley Street. To the rear are town houses located in Hedgely Mews. The surrounding area is residential in nature, and made up of terraced and semi-detached buildings.
- 3 This property is currently in use as a single family dwellinghouse.



**Site Location Plan**

***Character of area***

- 4 The character of the area is of Victorian terraces in residential use. Heritage/archaeology
- 5 The property is located within the Lee Manor Conservation Area, and is subject to an Article 4 Direction. The property is not a listed building, nor is it in the vicinity of one.
- 6 This property is also located within the Lee area of Archaeological priority.

***Surrounding area***

- 7 Hither Green and Lee stations are within a 10 minute walk from the property.

***Local environment***

- 8 The property is located within Flood Zones 1 and 2.

***Transport***

- 9 The Public Transport Accessibility Level (PTAL) for this property is 2.

### **3 RELEVANT PLANNING HISTORY**

10 **DC/19/113621:** Installation of replacement windows to the front and rear of 26 Hedgley Street, SE12. (GRANTED 07/11/19)

### **4 CURRENT PLANNING APPLICATION**

#### **4.1 THE PROPOSALS**

11 This application proposes the construction of a single storey rear and infill extension.

### **5 CONSULTATION**

#### **5.1 APPLICATION PUBLICITY**

12 Site notices were displayed on 15/01/2020 and a press notice was published on 15/01/2020.

13 Letters were sent to residents and the relevant ward Councillors on 02/01/2020.

14 1 number responses received from the Lee Manor Society, comprising 1 objection, 0 support and 0 comments.

##### **5.1.1 Comments in objection**

<b>Comment</b>	<b>Para where addressed</b>
The proposed asymmetrical roof design would not respect or complement the host property or Conservation Area.	45 & 46

#### **5.2 INTERNAL CONSULTATION**

15 The following internal consultees were notified on 02/01/2020.

16 Conservation: raised no objections.

### **6 POLICY CONTEXT**

#### **6.1 LEGISLATION**

17 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).

18 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

## **6.2 MATERIAL CONSIDERATIONS**

19 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.

20 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.

21 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.

## **6.3 NATIONAL POLICY & GUIDANCE**

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

## **6.4 DEVELOPMENT PLAN**

22 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)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

## **6.5 SUPPLEMENTARY PLANNING GUIDANCE**

23 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)

24 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)

## 6.6 OTHER MATERIAL DOCUMENTS

- Draft London Plan: 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 was held between 15th January and 22nd May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State the Intend to Publish London Plan on 9th December 2019. This document now has some weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP).

## 7 PLANNING CONSIDERATIONS

25 The main issues are:

- Principle of Development
- Urban Design & Heritage
- Impact on Adjoining Properties

## 8 PRINCIPLE OF DEVELOPMENT

### *General policy*

26 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.

27 The Development Plan is generally supportive of people extending or altering their homes. The principle of development (residential extension) is accepted considering the subject site and surrounding context is an established residential area.

### 8.1.1 Principle of development conclusions

28 The principle of development is supported, subject to details.

## 8.2 URBAN DESIGN & HERITAGE

### *General Policy*

- 29 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.
- 30 CSP 15 and 16, DMLP 30, 31 and the provisions of the Alterations and Extensions SPD reflect this and are relevant.
- 31 CSP 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 32 DM Policy 30 'Urban Design and Local Character' (5) of the Lewisham DMLP (2014) requires a site specific design response to have regard for local distinctiveness such as "building features and uses, roofscape, open space and views". Further (5)(b) of the same policy requires the site specific design response to include "height, scale, and mass which should relate to the urban typology". The same policy requires that any development should relate to the scale and alignment of the existing street including its building frontages.

## **8.2.1 Appearance and character**

### ***Form and Scale***

#### *Policy*

- 33 Part 5 of DM Policy 30 of the DMLP (2014) requires a site specific design response to have regard for local distinctiveness such as "building features and uses, roofscape, open space and views". Further, as per Part 5(b) of the same policy, the "height, scale and mass which should relate to the urban typology of the area".

#### *Discussion*

- 34 The proposed scale and massing is appropriate for the location and would be subservient to the original dwellinghouse. The highest part of the development is at the top of the asymmetrical roof pitch approx. 3.4m in height. The shallow dual pitch of the proposed roof form helps to ensure adequate internal head heights and maintain acceptable eaves height along the neighbouring boundaries.
- 35 The current proposal has been assessed against the relevant DM Policy 30, 31 and CS15, and is considered to be acceptable in terms of its height and massing.

### ***Detailing and Materials***

- 36 DM Policy 30 (5)(g) of the DMLP (2014) prescribes that "details of the degree of ornamentation, use of materials... should reflect the context by using high quality matching or complementary materials".

### *Discussion*

- 37 The design and access statement provides an in depth contextual analysis of the local character and typology.
- 38 The proposal would feature Dark Blue Staffordshire bricks which would be finished with Flemish bonding, in addition the installation of low profile aluminium rooflights and French doors are of high quality.
- 39 Officers acknowledge that the proposed brick would not match the surrounding area, however find the use of dark blue brickwork together with the aluminium standing seam roof would be a positive and contemporary design.

### **8.2.2 Impact on Heritage Assets**

#### *Policy*

- 40 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 41 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 42 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset’s conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.
- 43 LPP 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details. DLPP HC1 reflects adopted policy.
- 44 CSP 16 ensures the value and significance of the borough’s heritage assets are among things enhanced and conserved in line with national and regional policy.
- 45 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.
- 46 Further guidance is given in the Alterations and Extensions SPD (April 2019).

### *Discussion*

- 47 As aforementioned an objection to this proposal has been received from the Lee Manor Society. This objection relates to the asymmetrical pitched roof, stating that 'extensions should have 'roof pitches to complement those of the main building' nor would the proposal respect the original building features or architectural features.
- 48 Officer's note that this property is not visible from the public realm, the adjoining land to the rear is a private mews. There would be very limited visibility of the property from the two adjoining properties to the east and west only. Moreover, the dual asymmetrical design of the dual pitch results in the longer roof slope mirroring and therefore complementing the roof pitch roof of the outrigger. The height is clearly subservient to the first floor window cill levels and the form of the existing dwelling, being sensitively contrasting so as to clearly distinguish between old and new, using high quality materials.
- 49 For these reasons, Officers find that the proposal would result in no material harm to the character and heritage of the Lee Manor Conservation Area.

### *Summary*

- 50 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character and appearance of Lee Manor Conservation Area. As no harm is identified, there is no need to consider the NPPF para 196 balancing exercise.

### **8.2.3 Urban design conclusion**

- 51 In summary, the proposed building is a contemporary and high quality, unique, site-specific response that would create interest. It is of an appropriate height and scale; it is considered that the proposed landscaping scheme would retain the character of the site. The design and access statement provides an in depth contextual analysis and provides justification for the choice of materials. The design of the proposal is therefore acceptable, and in line with the aforementioned policies.

## **8.3 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

- 52 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).

- 53 DMP32 (1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 54 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; and (iii) loss of daylight within properties and loss of sunlight to amenity areas.
- 55 The surrounding area is predominantly residential, characterised by terraced and semi-detached dwellinghouses.

### **8.3.1 24 Hedgley Street**

#### *Outlook, sense of enclosure and overbearing*

- 56 The property No. 24 Hedgley Street is a single family dwellinghouse, the back garden is a reasonable size and similar to that of the application site. Officers note after conducting a site visit that the 2.8m height of the proposed extension would not exceed that of the existing parapet along the boundary with No.24. The impacts on the amenity of No. 24 are also acceptable for officers, due to the existing addition to the rear of this property. The proposed extension would only extend 1.85m beyond the existing outrigger and would not extend beyond the existing extension at this neighbouring property. The proposed eaves height along this boundary is 2.8m and would not negatively impact the outlook from No. 24.

#### *Privacy*

- 57 The proposed extension would not introduce any new openings that would lead to the loss of privacy for No. 24, due to the location of the new openings on the ground floor and would maintain existing views. For this reasons officers are satisfied that this proposal would not raise any concerns relating to the loss of privacy at No. 24 Hedgley Street.

#### *Daylight and sunlight*

- 58 Officers note that No.24 benefits from a single storey extension, this proposal would not negatively impact the amount of daylight/ sunlight that enters the existing amenity space at No. 24.

### **8.3.2 28 Hedgley Street**

- 59 The impacts on the amenity of No. 28 are also acceptable for officers, due to the existing addition to the rear of this property. Furthermore the extension would extend approx. 1m beyond that of the existing extension at No.28. For this reason the combined length of 5.2m along the neighbouring boundary at an eaves height of 2.8m is considered to have an acceptable impact in terms of sense of enclosure and loss of outlook on the adjoining property No.24 Hedgley Street. For the reasons outlined above the proposed would not negatively impact the amenity of No. 28 Hedgley Street.

#### *Privacy*

60 The proposed extension would not negatively impact the privacy of the neighbouring property, this proposal is for a single storey extension and existing views would be maintained. For this reason officers are satisfied that this proposal would not raise any concerns relating to the loss of privacy at No. 28 Hedgley Street.

*Daylight and sunlight*

61 Officers note that No.28 also benefits from a single storey extension, the proposed extension would extend 1m beyond the existing property. For this reason officers are satisfied the proposed eaves height of 2.8m would not negatively impact the amount of daylight/ sunlight that enters the existing amenity space at No. 28.

**8.3.3 Impact on neighbours conclusion**

62 The proposed development would not result in harm to the amenity of neighbouring residents.

**9 EQUALITIES CONSIDERATIONS**

63 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.

64 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.

65 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.

66 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>

67 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

68 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/publication-download/services-public-functions-and-associations-statutory-code-practice>

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

69 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 HUMAN RIGHTS IMPLICATIONS

70 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
- Article 9: Freedom of thought, belief and religion
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

71 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.

72 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.

73 The rights potentially engaged by this application, including any of the conventions stated above are not considered to be unlawfully interfered with by this proposal.

## 11 CONCLUSION

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

75 The proposed would be a high quality rear extension, through the use of an appropriate degree of complementing and contrasting design elements and materials in relation to the host dwelling. The contemporary brick cladding material and aluminium framed windows are considered to be high quality. The proposed infill and rear extension are considered to be acceptable in terms of design quality, heritage impacts and any impacts on adjoining properties.

76 Given the acceptability of the proposed use and relevant planning policy compliance, the proposal is considered to be in accordance with the development plan as a whole.

77 In light of the above, the application is recommended to be approved.

## 12 RECOMMENDATION

78 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informative:

### 12.1 CONDITIONS

#### 1) FULL PLANNING PERMISSION TIME LIMIT

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) **PLAN NUMBERS**

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

Site Location Plan; Existing and Proposed Plans & Elevations Rev PLANNING; Street Plan; (Received 17/12/2019)

**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) **MATERIALS AND DESIGN QUALITY**

(a) The development shall be constructed in those materials as submitted namely: Staffordshire Blue Brick: Flemish Bond

(b) The scheme shall be carried out in full accordance with those details, as approved.

**Reason:** To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character, 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.

## 12.2 INFORMATIVES

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

