

Committee	PLANNING COMMITTEE B	
Report Title	88 Grove Street, London, SE8 3AA	
Ward	Evelyn	
Contributors	Alfie Williams	
Class	PART 1	21 APRIL 2021

Reg. Nos. DC/20/119575

Application dated 11.12.2020

Applicant Mr Kang

Proposal The construction of an additional storey at roof level to provide a self-contained flat at 88 Grove Street SE8 (former Princess of Wales Public House)

Background Papers

- (1) Case File DE/152/88/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) The London Plan (March 2021)

Designation

Area of Archaeological Priority  
PTAL 2  
Thameside Policy Area  
Flood Risk Zone 3

## 1 SUMMARY

- 1 This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of a petition against the development with 21 signatures.

## 2 SITE AND CONTEXT

### *Site description and current use*

- 2 The application site is a three storey, former public house (Princess of Wales) of circa 1880, comprised of six flats, located at the junction of Grove Street and Barnes Terrace. The latter is a short cul-de-sac leading to a gateway (now blocked) to the former Royal Naval Dockyard. The building is constructed from stock bricks and features timber windows. The building has a stuccoed parapet cornice with a corner tablet with the name of the former public house. The roof (flat) behind is hidden from view. To the side of the building is a single storey projection, which previously formed part of the public house but which has been vacant since the conversion of the former pub to flats in 2002.

**Figure 1. Site Location Plan**



### ***Character of area***

- 3 The area is predominantly residential and features a variety of scales of development of various ages and architectural styles. Adjoining the northeast boundary of the property and fronting Barnes Terrace is a modern two storey development constructed in the mid-1990s. This includes an end of terrace two storey house, the side elevation and rear garden of which is located close to the rear boundary of the application site. The site also adjoins a two storey development fronting Grove Street. Opposite the site, on the western side of Grove Street, is a five storey block of flats.

### ***Heritage/archaeology***

- 4 Although the building is not listed, assessments of the previous applications at the site have identified the building as a Non-Designated Heritage Asset (NDHA) due to its evidential value as one of the few remaining examples of Victorian architecture within the surrounding area. The building has lost some of its ground floor windows and the corner entrance door, but the pilasters and cornice survive (in deteriorated condition) which, along with the surviving timber sliding sash windows contribute to its character.
- 5 The site is not within a Conservation Area but is designated as an Archaeological Priority Area.

### ***Transport***

- 6 The application site has a Public Transport Accessibility Level (PTAL) rating of 2, where on a scale of 1-6, 1 is lowest and 6 is highest.

## **3 RELEVANT PLANNING HISTORY**

- 7 DC/04/56098: The construction of a four storey plus basement building to the side of the former public house at 88 Grove Street SE8, to provide 6, one bedroom self-contained flats and 2, two bedroom, self-contained maisonettes, together with the formation of lightwells in front and rear elevations, the provision of associated landscaping and provision of two parking spaces to the front. Planning Permission Refused 19/03/2004 for the following reasons:

1. *The height and bulk of the proposed building and its relationship to nearby buildings would represent an over dominant and visually obtrusive feature in the street scene and would result in an overdevelopment of the site contrary to policies BLT.ENV1: Urban Design and HSG 20: Density of New Residential Development in the Council's adopted Unitary Development Plan and URB 2 Urban Design and HSG 12 Density in the Revised Deposit Draft Unitary Development Plan (August 2001).*
2. *The lack of off-street parking spaces within the development, in relation to the number of new dwellings proposed would give rise to increased on-street parking of vehicles at the junction of Barnes Terrace and Grove Street to the detriment of vehicle and pedestrian safety and contrary to policy TRN 22: Parking Control - General in the Council's adopted Unitary Development Plan and TRN 27 Car Parking Standards in the Revised Draft Deposit Unitary Development Plan (August 2001).*

8 An Appeal (APP/C5690/A/04/113109) in respect of this decision was dismissed 28/02/2005

9 Both reasons for refusal were supported by the Inspector. In respect of reason 1, the Inspector states:

*“Planning permission has already been granted for an extension on this site but at only three storeys high it would be visually subordinate to the former public house and transitional in height between that and the neighbouring buildings. Because of its greater height and its proximity the development now proposed would appear excessively dominant relative to both, and obtrusive in the street scene. The appeal scheme would thus be materially harmful to the character of the locality and so contrary to the aims of policy URB2 of the London Borough of Lewisham Revised Unitary Development Plan (2004).”*

10 DC/04/56539: The construction of a three storey plus basement building to the side of the former public house at 88 Grove Street SE8, to provide 4 one bedroom self-contained flats and 2 two bedroom self-contained maisonettes, together with the formation of lightwells in front and rear elevations, the provision of associated landscaping and 2 parking spaces to the front. Planning Permission Granted 16/07/04

11 DC/16/097961: The construction of a four storey extension at the side of 88 Grove Street (former Princess of Wales PH) SE8, to provide 4 one bedroomed self-contained flats, together with the construction of an additional storey on the extended building to provide a three bedroomed self-contained flat with roof terrace, the provision of a refuse and recycling store and storage for 8 bicycles. Refused 11/10/2016 for the following reasons:

1. *The proposed roof addition is completely at out of character with the design of the host building which is an attractive example of a Victorian Public House of c1880 and is regarded as an undesignated heritage asset. Moreover, given the scale of immediately adjoining buildings, the proposed extension would represent an overdominant and visually obtrusive feature in the street scene contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), 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, of the Development Management Local Plan (November 2014).*
2. *The proposed four storey side extension would not be subsidiary to the host building and given its proximity to adjoining buildings of much smaller scale would represent an over dominant and visually obtrusive feature in the street*

*scene contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), 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, of the Development Management Local Plan (November 2014)*

3. *The flats in the proposed side extension would by reason of their size, configuration, limited outlook and lack of private amenity space provision, fail to provide satisfactory living accommodation, contrary to Policy 3.5 Quality and design of housing developments of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 32 Housing Design, Layout and Space Standards and the Lewisham Residential Development Standards SPD (Updated May 2012).*
4. *The proposed side extension would by reason of its scale and proximity to adjoining residential properties and their gardens have an over-bearing impact and a detrimental impact on access to natural light and outlook, contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing Design, Layout and Space Standards of the Development Management Local Plan (November 2014) and the Lewisham Residential Development Standards SPD (Updated May 2012).*

12

DC/17/100229: The construction of a four storey extension, including basement, at the side of 88 Grove Street (former Princess of Wales PH) SE8, to provide 1 one bedroom and 2 two bedroom self-contained flats, together with the provision of a refuse and recycling store and storage for 8 bicycles. Refused 10/05/2017 for the following reasons:

1. *The proposed four storey side extension by reason of its scale, position and architectural detailing would not be subservient to the host building and would represent an over dominant and visually obtrusive feature in the street scene contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 30 Urban design and local character, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, of the Development Management Local Plan (November 2014).*
2. *Flat 2 in the proposed side extension would by reason of its substandard floor space and configuration result in a cramped and poor standard of living accommodation. Further, Flat 1 of the side extension as a result of its inadequate submitted detail fails to demonstrate that the basement area of the flat would have adequate daylight and sunlight, or provide an outlook that is consistent with the relevant statutory standards resulting in a poor accommodation outcome. As such, both Flats 1 and 2 are contrary to Policy 3.5 Quality and design of housing developments of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 32 Housing Design, Layout and Space Standards and the Lewisham Residential Development Standards SPD (Updated May 2012).*
3. *The proposed side extension by reason of its scale, design, proximity to adjoining residential properties and windows in the rear elevation would constitute an overbearing form of development that would result in a detrimental overbearing impact, overlooking and loss of outlook for the occupiers of No. 1 Barnes Terraces, contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing Design, Layout and Space Standards of the Development Management Local Plan*

*(November 2014) and the Lewisham Residential Development Standards SPD (Updated May 2012).*

- 13 DC/17/100234: The construction of an additional storey at roof level to provide 1 two bedroom self-contained flat at 88 Grove Street (former Princess of Wales PH) SE8 - Granted 10 May 2017
- 14 DC/19/111100: Construction of a three storey extension at the side of at 88 Grove Street (former Princess of Wales PH) SE8, to provide 1 one bedroom and 1 two bedroom self-contained units – Refused on 17 April 2019 for the following reasons:
- 1. The proposed side extension by reason of its height, proximity to adjoining residential properties and windows in the rear elevation would result in unacceptable overlooking and loss of privacy for the occupiers of No.1 Barnes Terraces, contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing Design, Layout and Space Standards of the Development Management Local Plan (November 2014).*
  - 2. The overall standard of accommodation, by reason of the undersized internal area of the flats, the inefficient layouts and the single aspect provided to the flats, would fail to represent an acceptable standard of residential accommodation as required by National Technical Standards, Policy 3.5 of the London Plan (March 2016), the London Plan Housing SPG (March 2016) DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).*
- 15 DC/19/112117: Construction of a three storey extension at the side of at 88 Grove Street (former Princess of Wales PH) SE8, to provide 1 x one bedroom and 1 x two bedroom self-contained units – Granted 5 August 2020.
- 16 DC/20/119571: An application submitted under Section 96a of the Town & Country Planning Act 1990 for a non-material amendment in connection with the planning permission referenced DC/19/112117 dated 05/08/2020 for the construction of a three storey extension at the side of at 88 Grove Street (former Princess of Wales PH) SE8, to provide 1 x one bedroom and 1 x two bedroom self-contained units., **in order to allow an amendment to the wording of the description of development to the "Construction of a three storey extension at the side of 88 Grove Street (former Princess of Wales PH) SE8, to provide 2 x self-contained residential units" –** Granted 22 December 2020.
- 17 DC/20/118814: An application submitted under Section 73 of the Town and Country Planning Act 1990 for Minor Material Amendments in connection with the variation of Condition (2) of planning permission (DC/19/112117) dated 22 May 2020 for construction of a three storey extension at the side of 88 Grove Street (former Princess of Wales PH) SE8, to provide 2 x self-contained residential units:- **in order to provide alterations to the layout of Unit 1 –** granted 14 January 2021.

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSALS**

- 18 The current application is for the construction of an additional storey to the roof to provide a two bedroom three person flat. The flat would have a GIA of 63sqm,

accommodating two bedrooms, bathroom, storage and open plan living/kitchen area. The flat would be accessed via an extension to the existing stair core.

19 The mansard would be clad in slate with stock brick flank walls. The front roof slope would accommodate three dormers which would house timber sash windows. The rear roof slope would incorporate a single dormer and a rooflight.

20 In terms of servicing, cycle storage would be provided within the existing courtyard at the rear of the property. A new refuse storage area would be created within the front garden.

## 4.2 COMPARISON WITH PREVIOUS SCHEME

21 The current proposal is largely identical to the scheme granted planning permission in May 2017, which would have also seen a mansard roof extension to provide a two bedroom, three person flat (reference DC/17/100234).

## 5 CONSULTATION

### 5.1 APPLICATION PUBLICITY

22 Site notices were displayed on 12 January 2021. Letters were also sent to residents in the surrounding area as well as the relevant Ward Councillors and the Pepys Residents Association on 12 January 2021.

23 A petition with 21 signatories was submitted against the application. The concerns raised within the petition are set out below:

#### 5.1.1 Comments in objection

Comment	Para where addressed
Substandard level of outlook	52
Undersized floor to ceiling height	53
Impact to existing communal areas	54
Lack of external amenity space	54
Harmful visual impact to the NDHA	60-64
Increase to the ridge height	61
Waste strategy	70
Increase parking stress	68
Impact to transport capacity	71
Privacy	76
Noise and disruption from construction	78

24 The petition also raised the following matters that are not judged to be material considerations for this application.

25 It is not a policy requirement to create wheelchair accessible units for this scale of development.

- 26 The impact of the development to the structural integrity of the building is a matter for Building Regulations.
- 27 Issues relating to building management are a matter for the leaseholders and freeholder to resolve.

## **5.2 INTERNAL CONSULTATION**

- 28 The following internal consultees were notified on 11 January 2021:
- 29 Highways: did not submit comments on the application.
- 30 Conservation: commented that the mansard would be improved if it responded to the chamfered corner of the building but does not consider that the proposal is objectionable.
- 31 Environmental Protection: no objection.

## **5.3 EXTERNAL CONSULTATION**

- 32 The following External Consultees were notified on 11 January 2021:
- 33 Environment Agency: No objection.

# **6 POLICY CONTEXT**

## **6.1 LEGISLATION**

- 34 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**

- 35 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.
- 36 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.
- 37 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 aforementioned directions and 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**

38 The Development Plan comprises:

- London Plan (March 2021) (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**

39 Lewisham SPG/SPD: [delete irrelevant documents]

- Alterations and Extensions Supplementary Planning Document (April 2019)

40 London Plan SPG:

- Housing (March 2016)

## **7 PLANNING CONSIDERATIONS**

41 The main issues are:

- Principle of Development
- Residential Quality
- Urban Design
- Impact on Adjoining Properties
- Transport
- Flood Risk

### **7.1 PRINCIPLE OF DEVELOPMENT**

#### *General policy*

42 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.

43 Lewisham is defined as an Inner London borough in the London Plan. The London Plan sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

#### *Policy*

44 The Core Strategy (CSP) recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan (LPP) at Policy H1 increases Lewisham's ten-year (2019/20 - 2028/29) housing target at 16,670, or 1,667 as an annualised average. Lewisham Core Strategy Spatial



Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need.

45 CSP 1 states that contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings.

46 LPP H2 states that boroughs should increase the contribution of small sites (below 0.25 hectares) to meeting London's housing needs and sets a ten year target for Lewisham of 3,790 new homes.

#### *Discussion*

47 The former public house was converted to residential accommodation approximately 20 years ago. As such, the principle of extending the building to provide additional accommodation is not objectionable. The provision of an additional residential units would make a modest contribution to local housing targets, which is considered a planning merit that carries weight within the overall planning balance.

### **7.1.1 Principle of development conclusions**

48 In summary, the principle of the proposed development is supported subject to an assessment of the quality of the residential accommodation and design, and the impact of the development to the surrounding area in terms of transport and neighbouring amenity.

## **7.2 RESIDENTIAL QUALITY**

#### *General Policy*

49 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 D6), the Core Strategy (CSP 15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

#### *Policy*

50 As set out in DMP 32, the level of amenity provided by any new units will be assessed against the standards in the Technical Housing Standards – Nationally Described Space Standard (NDSS) and the London Plan Housing SPG. In addition, DMP 32 requires all new residential developments to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy.

51 The London Plan Housing SPG Standard 26 relates to external amenity space and states that for 1-2 person dwellings, a minimum 5sqm is required, with an extra 1sqm for every additional occupant.

#### *Discussion*

52 The internal standard of the accommodation is generally good. The unit would have a GIA of 63sqm and 2sqm of storage space, which is compliant with the London Plan and NDSS requirements for a two-bedroom three-person unit. This is also true for both of the bedrooms. The unit is efficiently arranged with a well considered layout that minimises circulation space. The dual aspect would provide good levels of light and outlook given the extension is located at roof level. In addition, the dual aspect would assist with ventilation and mitigation against overheating.

- 53 The floor to ceiling height for the unit would be 2.4m, which would exceed the 2.3m required by the NDSS but falls short of the 2.5m specified by LPP D6 and DMP 32. This is a minor transgression and balanced against the otherwise good standard of internal accommodation, would not warrant the refusal of the application.
- 54 It is acknowledged that the residential unit lacks any private amenity space in the form of a private garden, balcony or roof terrace contrary to Standard 26 of the Housing SPG. This was accepted for the application granted planning permission in May 2017 (reference DC/17/100234) due to the provision of a communal amenity area located in the front garden (western) of the site. This area is currently rundown but its size is considered to be sufficient and any inadequacies in relation to the quality of the space and its upkeep and privacy can be overcome via the submission of a landscaping scheme to be secured by condition. This would also be beneficial to the existing residents of the building and would allay concerns that the provisions of an additional unit would result in an unsustainable demand on the small courtyard at the rear. The provision of the communal area would be required prior to the occupation of the unit.

#### *Summary*

- 55 The standard of the proposed residential accommodation is considered to be acceptable subject to the condition securing a landscaping scheme for the new communal space to the front.

## **7.3 URBAN DESIGN**

#### *General Policy*

- 56 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.

#### *Policy*

- 57 LPP D3 and CSP 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. Further to this, DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 58 DMP 37 sets out a framework for the protection of the borough's non-designated heritage assets.
- 59 DMP 31 states that development proposals for alterations and extensions, including roof extensions, will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 60 Specific guidance for roof extensions, including additional storeys, is contained within the Alterations and Extensions SPD.

#### *Discussion*

- 61 The application property was a corner pub, which traditionally would be taller and grander than adjoining buildings. Viewed within its historic context, an additional storey raising the height of the building is considered appropriate. Furthermore, the townscape as it exists now features a variety of scales of development, including a five storey

building opposite, and therefore the increase in height is also appropriate within the existing context.

62 The overall design of the mansard roof extension reflects the traditional architectural language of the host building and would complement the original architecture. Officers support the matching of the proportions of the parapet characteristics and window detailing. Officers also support the use of the historically appropriate brickwork, white timber frame windows and slate roof. A condition is recommended to secure the quality of the materials and detailing.

63 As a mass, the proposed additional storey is of an appropriate scale that will relate comfortably to the host building. It is set in from all sides and would be predominantly concealed by the parapet when viewed from the street. To the rear of the building, the additional storey will be more visible. However, the rear elevation, has already undergone significant change so the extension is not considered to be unduly harmful.

#### *Summary*

64 The mansard style roof extension would represent a sensitive and historically appropriate addition to the property that respects the historic form and architecture of the host building. As such, the proposed development would sustain the significance of the building and would be compliant with DMPs 30, 31 and 37.

## **7.4 TRANSPORT IMPACT**

#### *General policy*

65 The NPPF at paragraph 102 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

#### *Policy*

66 The Council supports the NPPF's guidance on promoting sustainable transport methods. For this reason, the Council requires residential development to provide cycle parking in accordance with the requirements of Table 10.2 of the London Plan.

67 CSP14 states that the Council will take a restrained approach to parking provision. LPP T6 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well-considered travel, plans aim to reduce reliance on private means of transport. Table 10.3 of the London Plan sets the maximum parking standards for residential development.

#### *Discussion*

68 No off-street parking has been proposed as part of this application. This was considered acceptable for the previous application despite the area not being subject to a CPZ. Officers have no reason to depart from this assessment given that parking stress is not known to be a particular concern within the surrounding area.

69 In order to comply with the London Plan the development requires that two cycle spaces would be provided. The proposed development includes the provision of storage for 8 cycle spaces, which would benefit the building as a whole. This over provision of cycle parking would provide an alternative to private car ownership and would compensate in part for the lack of off-street parking. The proposed 'spacepod' type of cycle store is generally not supported due to being contrary to Paragraph 8.5.3 of the London Cycling Design Standards, which requires that cycle parking facilities usable for all types of users. Therefore, an alternative type of cycle storage will be secured by condition.

- 70 The provision of a refuse store within the front garden is considered acceptable and would be secured by condition prior to the occupation of the residential accommodation.
- 71 The application site has a low PTAL of 2. Despite this officers do not have any concerns with the impact to transport or traffic capacity in the surrounding area given the modest number of units proposed.

#### *Summary*

- 72 The proposed development is considered acceptable in transport terms. Indicative details of the cycle and refuse storage demonstrate that the additional servicing requirement for the development could be accommodated within the site, subject to further details to be secured by condition. Parking stress within the surrounding area is not considered too significant and therefore any additional demand from a single unit could be accommodated.

## **7.5 LIVING CONDITIONS OF NEIGHBOURS**

#### *General Policy*

- 73 The NPPF at 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. The following policies of the London Plan (D3), the Core Strategy (CP15) and the Local Plan (DMP 31 & 32), are considered relevant.

#### *Policy*

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

#### *Discussion*

- 75 Due to the appropriate scale, mass and setback of the extension within the existing roof structure, the proposed development is not considered to result in any material impacts to the levels of light or outlook at the neighbouring properties.
- 76 The difference in height between the existing building and the surrounding lower set buildings, combined with the height of the existing parapet, would ensure that minimal (if any) overlooking would occur from the new residential unit. As such, the proposed development is considered acceptable in terms of the impact to the privacy of the neighbouring properties.
- 77 It is noted that no access from the extension is proposed to the exterior perimeter rooftop. This ensures that no overlooking is likely to occur from people occupying the perimeter roof as an amenity area. In order to secure this, a condition restricting access to the exterior roof will be attached.
- 78 Noise and vibration transference from the new dwelling to the existing residential accommodation below is subject to Part E of the Building Regulations and as such is not a material consideration for this application. The construction phase of the development is likely to cause some temporary disturbances to existing residents of the building, particularly those living at second floor level. This disturbance is likely to be short term due to the scale of development proposed. However, a condition is considered to be necessary to restrict works and deliveries related to the construction phase, to neighbourly hours.

### *Summary*

79 The proposed development would not introduce any significant adverse impacts to the privacy and amenity of any of the neighbouring properties and therefore would be compliant with LPP D3, CSP 15 and DMPs 31 and 32.

## **7.6 FLOOD RISK**

### *Policy*

80 NPPF para 155 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 163 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.

81 CSP 10 requires developments to result in a positive reduction in flooding to the Borough

### *Discussion*

82 The application site is located within Flood Risk Zone 3, however, no Flood Risk Assessment (FRA) has been submitted with the application. The EA have accepted that in this case an FRA is not required as the development is located at four floor level above the modelled tidal breach flood level.

### *Summary*

83 The proposed development is considered acceptable in terms of flood risk vulnerability.

## **8 LOCAL FINANCE CONSIDERATIONS**

84 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).

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

86 The CIL is therefore a material consideration.

87 £5,670 Lewisham CIL and £3,746 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.

## **9 EQUALITIES CONSIDERATIONS**

88 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.

89 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.

90 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.

91 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>

92 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

93 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>

94 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

95 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

96 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.

97 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.

98 This application has the legitimate aim of providing an extension to an existing residential building. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

## 11 CONCLUSION

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

100 The proposed roof extension by virtue of its massing, size and setback within the existing roof footprint will result in a subservient extension to the host dwelling that will not affect the amenity of the neighbouring dwellings or the surrounding area. The conditions recommended securing the improvements and landscaping of the front communal area would be sufficient mitigation for the lack of private amenity space and therefore the standard of the residential accommodation is considered acceptable. Officers have not identified any adverse impacts to transport or flood risk vulnerability and therefore the application is recommended for approval, subject to the conditions set out below.

## 12 RECOMMENDATION

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

### 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) APPROVED PLANS

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

PL101 A; PL102 A; PL103 A; PL104 A; PL105 A; PL106 Rev A; PL107 Rev A; PL108 A; PL109 A received 22 December 2020;

PL110 A received 15 March 2021;

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

(a) Prior to the relevant part of the works a detailed schedule and specification including manufacturer's literature or detailed drawings (at a scale 1:5 or 1:10) in respect of the following:

- i) bricks, mortar and bond;
- ii) roofing materials;
- iii) windows;
- iv) and dormer details;

shall be submitted to and approved in writing by the Council.

(b) The works shall then be carried in full accordance with the approved details prior to the first occupation of the development, and retained thereafter.

**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 and Policy 16 Conservation areas, heritage assets and the historic environment for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest of the Development Management Local Plan (November 2014).

4) REFUSE STORE

(a) Prior to first occupation of the residential unit hereby permitted, full design details of the refuse and recycling facilities and management shall be 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 first 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 Policy 13 Addressing Lewisham waste management requirements of the Council's Core Strategy (2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

5) CYCLE STORE

(a) Prior to first occupation of the residential unit hereby permitted, full design details of the cycle parking facilities for eight cycles, shall be submitted to and approved in writing by the local planning authority.

(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development 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) SOFT LANDSCAPING

(a) A landscaping scheme:

- I. including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits;
- II. partitions, gates or planting required to ensure acceptable levels of security and privacy are provided to the ground floor flat hereby approved;
- III. 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, DM Policy 30 Urban design and local character and DM 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

7) USE OF FLAT ROOF

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof of the existing building, shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

**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 and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

8) CONSTRUCTION HOURS & DELIVERIES

No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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

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

## 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.