

Committee	PLANNING COMMITTEE B	
Report Title	11 Cooper's Lane SE12	
Ward	Grove Park	
Contributors	Zahra Rad	
Class	PART 1	01 July 2021

<u>Reg. Nos.</u>	DC/21/120142
<u>Application dated</u>	23/03/2021
<u>Applicant</u>	M H Qualters Associates
<u>Proposal</u>	The construction of a roof extension to the side and rear roof slopes at 11 Coopers Lane SE12, together with the installation of a window in the front roof slope.
<u>Background Papers</u>	N/A
<u>Designation</u>	Small Houses in Multiple Occupancy Article 4 Direction; Grove Park Neighbourhood Forum; PTAL 3
<u>Screening</u>	N/A

1 SUMMARY

- 1 This application is brought before Committee for a decision due to the submission of two objections from neighbouring properties and by having been called in by Cllr Suzannah Clarke.
- 2 Due to the Covid-19 pandemic, officers were unable to undertake a site visit to the property, however, the proposed development has been assessed using Google Maps Pro and the submitted drawings.

2 SITE AND CONTEXT

Site description and current use

- 3 The application site is a semi-detached single family dwelling, located on the South side of Cooper's Lane at No 11. The property is a two-storey Edwardian building, with bay windows to the front, and a gable roof. It is constructed with yellow facing bricks, the roof has dark red plain tiles with a large chimney to the side.
- 4 The property is set back 6m away from the road.

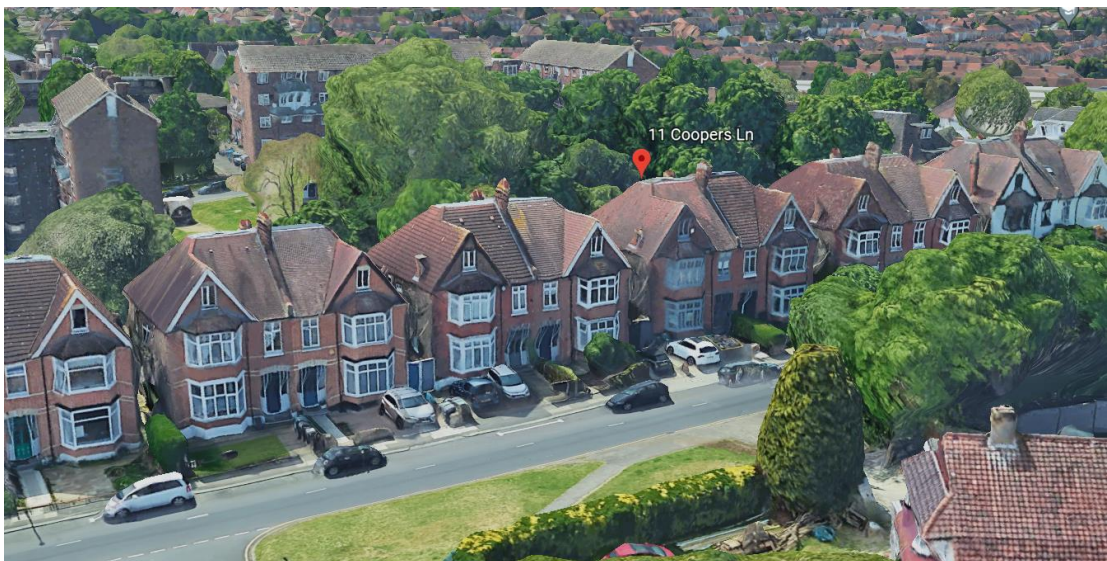
Figure 1. Site Location Plan



Character of the area

- 5 The surrounding area is predominantly residential. The vicinity is characteristic of a residential area comprising a uniform pattern of Edwardian semi-detached properties of the same design style on the southern side of the street.

Figure 2 Site Location Plan



Heritage/archaeology

- 6 The property is not in a conservation area nor is it close to a listed building or non-designated heritage asset.

Transport

- 7 The application site has a Public Transport Accessibility Level (PTAL) rating of 3/4, where on a scale of 1 to 6, 1 is the lowest and 6 is the highest.

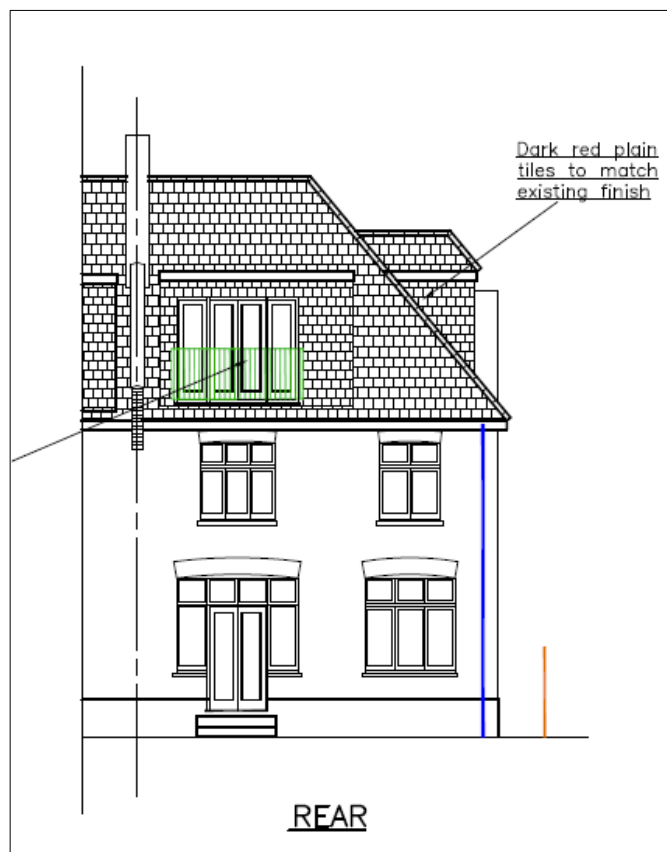
3 RELEVANT PLANNING HISTORY

- 8 DC/14/089515 - The construction of a single storey extension to the rear of 11 Cooper's Lane SE12. Granted 13 Jan 2015. There is no evidence of implementation of the granted rear extension.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSAL

- 9 The applicant is seeking to construct a roof extension including two dormers to the rear and the side. The dormer to rear would project southwards towards the back garden (2.18m). This dormer would have a flat roof and Juliet balcony and is set down from the ridge by 1.7m. It would be set in from the side elevation adjoining No12 by 0.4m from the roof of the adjoining property. The rear dormer would set back from the eaves by 0.9m.



- 10 The dormer to the side would be 5.4m wide and projects 2.38m toward No 10, while it sits down from the ridge by 1.3m and is set back from the eaves by 1.1m. It would sit behind the large chimney to the front and would be 3.9m away from the front elevation. The side dormer would set in from the rear part of the main roof by a minimum of 0.7m. The side dormer is proposed to have a sloped roof and two obscured glazed windows. The side dormer is proposed to have a sloped roof and two obscured glazed windows.
- 11 One square shaped rooflight (0.8m x 0.8m) would be installed to the front roof slope. Facing materials would be yellow London bricks and the roof would be dark red plain tiles, both to match the existing.



4.2 REVISIONS

- 12 Amendments undertaken by the applicant during the application process to reduce the scale and bulk of the development has been undertaken. Officers are satisfied these revisions make the proposed scheme a less conspicuous addition to the main building.

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

- 13 None

5.2 APPLICATION PUBLICITY

- 14 Site notices were displayed on 28/01/21.

- 15 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 28/01/2021.
- 16 2 responses were received, comprising of 2 objections. Cllr Clarke also called the application into planning committee.

5.2.1 Objections

Comment	Para where addressed
Character of the building / Visual amenity impact as it would not be in keeping with the original architecture of the street and disrupts the style of the roofs along this road.	Para. 44 and 45
Undermining the uniformity and historic value of these well over 100-year old houses, would spoil the heritage aspect of the buildings.	Para. 45 and 47
A dangerous precedent which could lead to further inappropriate development along the line of houses.	Para. 47
Windows in the front roof visible from the street	Para. 48
Loss of light & privacy with the use of a balcony.	Para. 56
Impact on guttering and water flow	Para. 51
Noise & Disturbance from use	Para. 57
Ventilation and Wind Load disturbance	Para. 58

- 17 A number of other comments that are considered non-material to this case were also raised as follows:
- 18 Comments were raised regarding party wall and the possibility of increasing the height of the existing party wall. Party wall issues are civil matters and not a material planning consideration.
- 19 Comments on structural changes are matters for Building Control and are not material planning concerns.
- 20 Comments regarding possible impact on the building warranty and insurance certificates for adjoining properties are not a material planning consideration.
- 21 One objector pointed out that a previous application at this site was deferred from Planning Committee. This is not relevant to the current application.
- 22 Comments were received on the possibility of changes on the flow of excess water from rainfall having an effect on 12B Coopers Lane. This is a building control matter and not relevant to planning.

5.2.2 Comments in support

- 23 No comments.

5.2.3 Neutral comments

- 24 No comments.

5.3 INTERNAL CONSULTATION

25 No internal consultees.

5.4 EXTERNAL CONSULTATION

26 The following External Consultees were notified on 27/01/2021:

27 Grove Park Neighbourhood Forum: No comment received.

6 POLICY CONTEXT

6.1 LEGISLATION

28 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

29 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.

30 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.

31 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

32 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

33 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

7 PLANNING CONSIDERATIONS

34 The main issues are:

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

7.1 PRINCIPLE OF DEVELOPMENT

General policy

35 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.

36 The development plan is generally supportive of people extending or altering their homes. As such, the principle of development is supported subject to an assessment of the details.

7.2 URBAN DESIGN & HERITAGE IMPACT

37 URBAN DESIGN & HERITAGE IMPACT

General Policy

38 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.

39 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.

40 DMLP 30, urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Core Strategy and DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

41 DMP 31 states that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area.

42 The Alterations and Extensions SPD provides guidance for single storey rear extensions within conservation areas. Extensions should be of the highest design quality using high quality materials and remain clearly secondary to the host building in

terms of form scale and detailing; respecting the design and architectural features of the original building.

Discussion

- 43 The rear dormer would not be visible from the main road. The position of the proposed dormer and its size would be in line with SPD guidelines. Officers consider the proposed rear dormer and Juliet balcony to be of a modest scale and sensitively designed to remain subservient to the host building. Officers raise no concerns with the height of the proposed extension in terms of its design. It is noted that there is a dormer on the rear slope of the adjoined property at No 12 which was granted in 2018.
- 44 The side dormer would be partially visible from the main road. By amending the loft extension to the side, the side dormer would be set away from the front elevation by 3.9m and would be sited behind the large chimney, leaving a gap of 0.3m. The Alterations and Extensions SPD provides detailed guidance for the design of loft extensions and highlights the impact of a side extension on symmetry and original character of a building and the disruption of a long view of the street. Objections received raised concerns regarding the impact on the character of the building and visual amenity.
- 45 In this instance the side dormer would sit behind the chimney, and would set down from the ridge by 1.1m. It would use the same material as the existing roof tiles. Furthermore, due to the height of the building, and as the host property is already set back from the main road by 6m, the side dormer would be visible in limited way from the main road. Therefore, its impact on the appearance of the host building and the streetscene is not considered adverse and is acceptable.
- 46 Two obscure windows are proposed to the side, which will provide natural light and ventilation to the room in the loft. In order to ensure that the windows to the side would not provide any potential of overlooking and impact on privacy, a condition is recommended be added to limit the side windows to be fixed and obscure, should the Council be minded to grant permission.
- 47 Objections were received regarding the change of the historic character of the area. It should be noted that the application site is not in a conservation area and the host dwelling it is not locally recognised as a heritage asset. Office also note a loft extension of this nature is likely to be achieved under Permitted Development (PD).
- 48 The proposed rooflight due to its position, size and style would be in line with SPD guidance. Rooflights are common architectural elements within the Borough outside of conservation area. It is noted that on this side of the road, there is only one property with a rooflights to the front and most of the rooflights are installed to the side which could be partially visible due their position as a few are close to the front elevation of the properties. The rooflight could also be achieved under Permitted Development.



Figure 3. Aerial view to the Rear Elevation of No 11 Cooper's lane

- 49 The proposed loft extension would comply with the relevant guidance in terms of scale, siting, and the use of high quality materials. Due to the modest, the level of daylight entering the rear of the property is likely to improve.

Summary

- 50 In summary, the extension, due to its scale and design and use of high-quality materials, on balance, would preserve the character and appearance of the host dwelling.
- 51 Officers conclude that the proposal responds sensitively to its context and the character of the surrounding area and therefore should be approved in terms of its design.

7.3 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. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions
- 53 This is reflected in relevant policies of the London Plan (D3), the Core Strategy (CP15), the Local Plan (DMP 31) and associated guidance (Alterations and Extensions SPD 2019).
- 54 The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly.

Discussion

- 55 The proposed dormer to the rear would not have any adverse impact on the amenity of No 10 as it would be away a sufficient distance. The dormer to the side would be facing No 10. However, as the windows would be obscure glazed and a condition would be secured for windows to be fixed and obscure, the side dormer is not considered to have any negative impact in terms of privacy and overlooking on No 10.
- 56 The rear dormer would protrude in the same manner towards the back garden as the existing dormer at No 12. Objections were received regarding the impact of the dormer on sunlight and daylight of the kitchen space at the top flat at No 12. The amended rear dormer would have a depth similar to the existing dormer at No 12a and would be set away from it by 1.2m. Therefore it is not considered to have any adverse impact on the amenities of neighbours at No 12a.
- 57 The use of the proposed extension, being part of a single-family dwelling is unlikely to result in levels of noise significantly above or beyond normal residential use. The construction phase of the development is likely to cause some temporary disturbances to neighbouring properties; however, this is likely to be short term due to the scale of the development proposed. Officers do not consider it appropriate, given the scale of development, to place a condition restricting the construction works; however, an informative is proposed linking to the Council's Good Practice Guide.
- 58 Comments were received regarding the possible creation of a wind tunnel, as a result of the proposed development. Given the scale of the development, no undue wind impacts are anticipated.
- 59 Due to its appropriate scale, mass and position, the proposed scheme is not considered to result in any adverse impact on the amenities of neighbours living to the west of the proposal site. The proposal site does not have any immediate neighbours towards the bottom of the back garden, as it backs onto open greenery in front of block of flats at Sandstone Road.
- 60 The proposed rooflights is not considered to have any impact on the amenities of the adjacent neighbours.

Summary

- 61 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.

8 LOCAL FINANCE CONSIDERATIONS

- 62 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).
- 63 The weight to be attached to a local finance consideration remains a matter for the decision maker.

64 The CIL is therefore a material consideration and the relevant form has been submitted.

9 EQUALITIES CONSIDERATIONS

65 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.

66 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.

67 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.

68 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>

69 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

70 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>

71 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

72 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

73 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.

74 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.

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

11 CONCLUSION

76 This application has been considered in the light of policies set out in the development plan and other material considerations, including relevant policies of the London Plan March 2021.

77 In reaching this recommendation, Officers have given due consideration to the comments and objections that were received regarding this application and consider the proposed development would have acceptable impact on streetscene, due to its position and layout would be viewed very partially from the main road. No unacceptable harm would arise to the living conditions of neighbours, therefore Officers recommend that planning permission should be granted subject to conditions.

12 RECOMMENDATION

78 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:

P010 (received 17 Mar 2021)

P001 Rev B (received 6 Jan 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

4) MATERIALS

The development shall be constructed in those materials as submitted namely: Yellow London bricks to match existing, dark red plain tiles to match the existing in full accordance with drawing P001 Rev B (received 6 Jan 2021)

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.

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, positive discussions took place which resulted in further information being submitted.
- 2) 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.