

Committee	PLANNING COMMITTEE C	
Report Title	16 Reynard Close, London, SE4 2DF	
Ward	Telegraph Hill	
Contributors	Thomas Simnett	
Class	PART 1	22 July 2021

<u>Reg. Nos.</u>	(A) DC/21/120972
<u>Application dated</u>	22/03/2021
<u>Applicant</u>	Mr Zheng agent on behalf of Applicant
<u>Proposal</u>	Construction of a single storey rear extension at 16 Reynard Close, SE4, and all other associated works.
<u>Background Papers</u>	1. Submission drawings
<u>Designation</u>	PTAL 4 Air Quality Local Open Space Deficiency
<u>Screening</u>	N/A

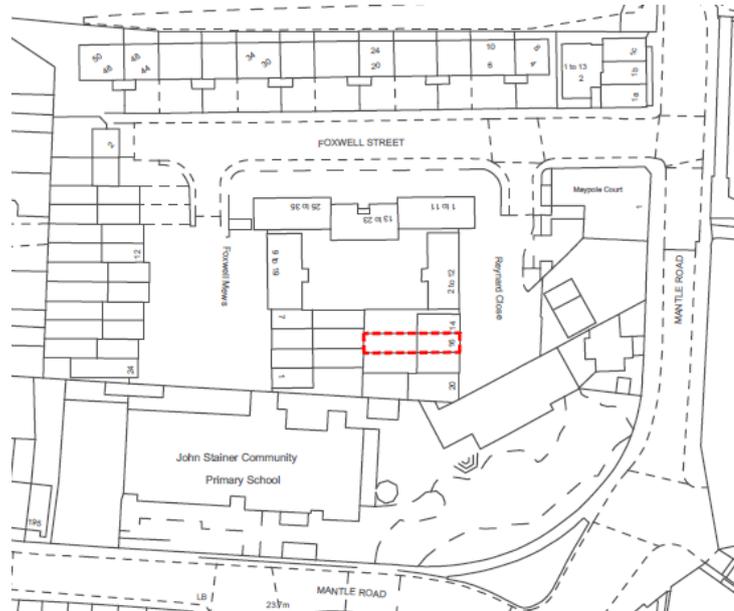
## 1 SUMMARY

- 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 three objections from neighbouring properties.
- 2 Due to the Covid-19 pandemic, Officers have been unable to undertake a site visit to the property and as such, an assessment has been made using Google Maps.

## 2 SITE AND CONTEXT

### *Site description and current use*

- 3 The site consists of a two-storey modern mid-terraced two.-bedroom single family dwelling; built in yellow brick and a concrete roof tiles. The property is located on the western side of Reynard Close, close to the junction with Foxwell Street. The site includes a small front garden that mainly consists of a drive way and a modest garden to the rear of the property which benefits from soft landscaping.



**Figure 1 - Site location plan**

***Heritage/archaeology***

- 4 The building is not listed and it is not within a conservation area. There are no listed buildings within the immediate vicinity of the site.

***Surrounding area***

- 5 The surrounding area is predominately residential in nature and is comprised of a mix of buildings which were built around the 19<sup>th</sup> and 20<sup>th</sup> Centuries, all of distinctive style and form. The application site is in close proximity to John Stainer Community Primary School which is a short distance to the south of the property.

***Transport***

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

**3 RELEVANT PLANNING HISTORY**

- 7 There is no planning history for the application site.

**4 CURRENT PLANNING APPLICATION**

**4.1 THE PROPOSALS**

- 8 The proposal seeks permission for the construction of a single-storey extension to the rear of the host property that is built to the boundary with Nos. 14 and 18.
- 9 The proposed extension would have a depth of 3.0m and would have a width of 3.9m with a flat roof with a maximum height of 3.0m and a lantern roof light located in the centre.
- 10 The proposed materials would match the existing wherever possible in terms of yellow brick and glazing systems.

11 Officers sought amendments to the originally submitted drawings as the depth of the proposed extension was greater than the guidance contained within our Alterations and Extensions SPD. The agent reduced the extension from 5.0m to 3.0m after negotiations with Officers.

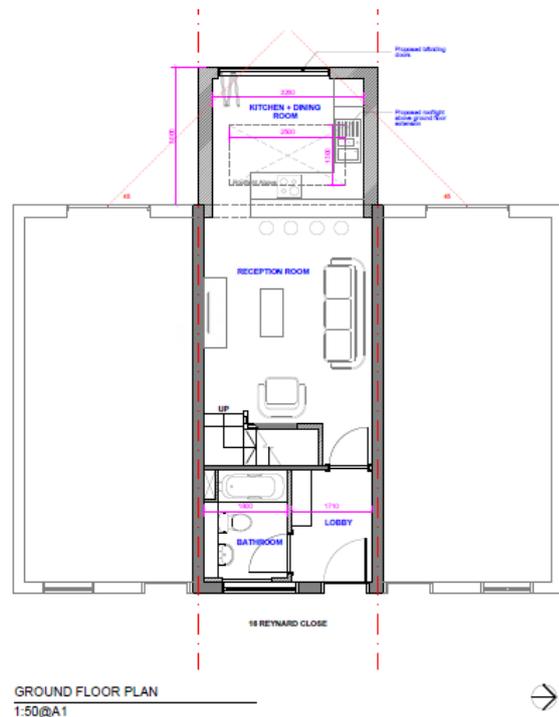


Figure 2 - Proposed ground floor plan

## 5 CONSULTATION

### 5.1 APPLICATION PUBLICITY

12 Site notices were displayed on 11 June 2021.

13 Letters were sent to residents and business in the surrounding area on 30 March 2021 and the relevant ward Councillors on 29 March 2021.

14 One response was received, signed by three separate objectors, and no representations of support or comments.

15 Further letters were sent to neighbouring properties after amendments were received on 11 May 2021. No further letters were received or any objections rescinded.

#### 5.1.1 Comments in objection

Comment	Para where addressed
Poor quality design	See para 36
Overbearing impact	See para 44
Impact on privacy	See para 47
Impact on sunlight/daylight	See para 45

16 A number of other comments were also raised as follows:

- 17 Comments were raised regarding the duration of the build and the impact the building work would have on parking. Officers do not believe the scale of the building work proposed would result in any significant harm and as a result this is not a material planning consideration in this application. An informative will be added reminding the agent no car parking bays must be obstructed by construction vehicles and that construction work should be undertaken in accordance with the London Borough of Lewisham's guidance.
- 18 Comments were received regarding the loss of views as a result of the proposed extension. The right to a view is not a material planning consideration and therefore does not form part of this recommendation.
- 19 Comments were made regarding the right to light of residents at No. 18 as they have been residing at the property for 25 years. The right to light is a civil matter controlled by separate legislation and as such is not a material planning consideration and therefore does not form part of this recommendation.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

- 20 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**

- 21 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.
- 22 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.
- 23 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**

- 24 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

25 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

## 7 PLANNING CONSIDERATIONS

26 The main issues are:

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

### 7.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

27 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.

28 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

#### *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 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.

31 DMLP 30 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.

32 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.

#### *Discussion*

- 33 The extension would extend 3.0m from the rear elevation of the host property and across the full width. The entirety would be within the curtilage of the subject site. It would have a height along the boundary with Nos. 14 and 18 of 3.0m. Officers raise no concerns with the height of the proposed extension in terms of design.
- 34 Officers consider the proposed extension to be of a modest scale and is sensitively designed not to obscure the windows at the first-floor level and remains subservient to the host building.
- 35 The proposed extension would not take up more than half the depth of the original rear garden, and as such Officers do not consider the proposals would lead to the overdevelopment of the site. A rear garden of in excess of 5m would be retained as a result of the proposed development.
- 36 The extension would be built using yellow brick which matches the host building, whilst the flat roof will be constructed using either an EPDM or GRC finish. The glazing system, rooflights and box guttering would all match the existing materials in the host property. The materials are considered good quality and would complement the existing character of the building.
- 37 The proposed extension would comply with the relevant guidance in terms of its scale, siting and the use of high-quality materials. Officers also have no concerns regarding the level of light from which the proposed extension would benefit, due to the large lantern rooflight.

### **7.2.1 Urban design conclusion**

- 38 In summary, the extension, due to its scale and design and use of high-quality materials, would preserve the character and appearance of the host dwelling.
- 39 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.

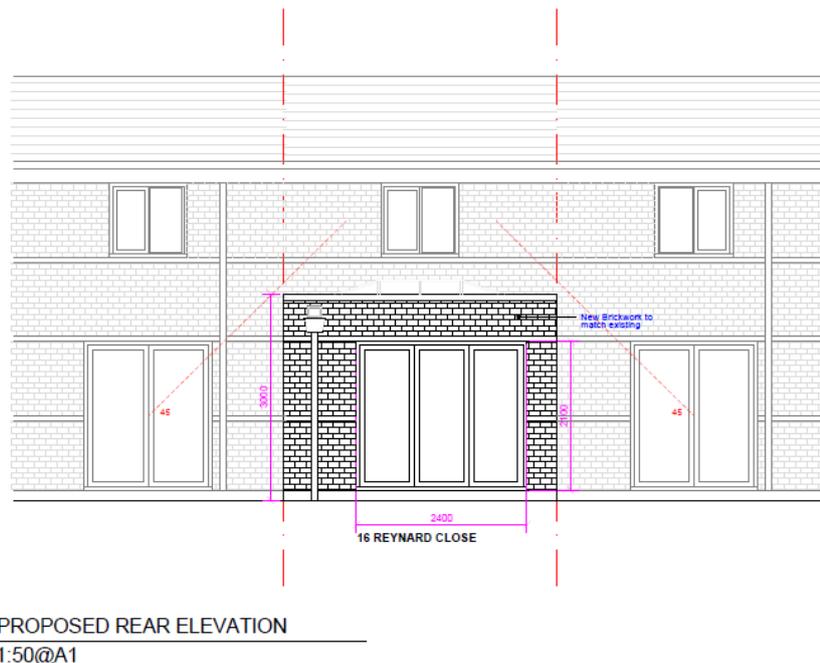
## **7.3 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

- 40 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
- 41 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).
- 42 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.
- 43 Daylight and sunlight are generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context

### *Discussion*

- 44 The height of the boundary wall with Nos. 14 and 18 would be 3.0m, which is in accordance with the Alterations and Extensions SPD, as such Officers do not consider this height would create an overwhelming sense of enclosure or be an overbearing structure for No. 36.
- 45 The agent has provided an elevation drawing which details the 45-degree tests (drawing (02)\_005, see below and drawing (02)\_003 see figure 2). The proposed extension passes the combined vertical and horizontal 45-degree tests.
- 46 Officers consider as the proposed scheme is in accordance to our Alterations and Extensions SPD and passes the 45-degree tests to both neighbouring properties there would not be a significant impact on daylight and sunlight.



**Figure 3 - Proposed rear elevation with vertical 45-degree tests**

- 47 As the proposed windows would be in a ground floor elevation, where windows already exist, Officers do not consider the proposed extension would lead to an increase loss of privacy or sense of overlooking. In addition, Officers do not consider the position of rooflights would have any impact on privacy of neighbours or sense of overlooking.
- 48 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 and deliveries; however, an informative would be added linking to the Council's Good Practice Guide for construction sites.

### 7.3.1 Impact on neighbours conclusion

- 49 The proposed development would not introduce any unacceptably harmful impacts to the living conditions of any of the neighbouring properties and therefore would be compliant with LPP D3, CSP 15 and DMPs 31 and the provisions of the 2019 SPD.

50 Officers note that the objections were received prior to the amendments Officers sought with regards to the depth of the extension; however, no neighbour has withdrawn their objections in response.

## 8 LOCAL FINANCE CONSIDERATIONS

51 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).

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

53 The CIL is therefore a material consideration.

54 This application does not attract CIL.

## 9 EQUALITIES CONSIDERATIONS

55 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.

56 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.

57 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.

58 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>

- 59 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
- 60 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>
- 61 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

- 62 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
- 63 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.
- 64 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.
- 65 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

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

67 In reaching this recommendation, Officers have given weight to the comments and objections that were received regarding this application and consider the proposed development would be subservient to, and preserve the character of, the host building. No unacceptable harm would arise to the living conditions of neighbours, therefore Officers recommend that planning permission should be granted subject to the imposition of suitable planning conditions.

## 12 RECOMMENDATION

68 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) DEVELOP IN ACCORDANCE WITH PLANS

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

(02) \_001; (02) \_002; (02) \_003; (02) \_004; (02) \_005

**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

No new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

**Reason:** To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

#### 4) 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 roofed extension hereby approved 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).

## 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.