

Committee	PLANNING COMMITTEE B	
Report Title	106 Brookbank Road, London SE13 7DA	
Ward	Ladywell	
Contributors	Max Curson	
Class	PART 1	14 September 2021

<u>Reg. Nos.</u>	(A) DC/21/121272
<u>Application dated</u>	12.04.2021 [as revised on 18.06.2021]
<u>Applicant</u>	Wood Architecture & Design Limited
<u>Proposal</u>	The construction of hip to gable and rear dormer extensions to the roof of 106 Brookbank Road, SE13, together with the installation of three rooflights in the front roof slope.
<u>Background Papers</u>	<ul style="list-style-type: none"> <li>(1) Submission drawings</li> <li>(2) Submission technical reports and documents</li> <li>(3) Statutory consultee responses</li> </ul>
<u>Designation</u>	<ul style="list-style-type: none"> <li>PTAL 3</li> <li>Air Quality</li> </ul>
<u>Screening</u>	N/A

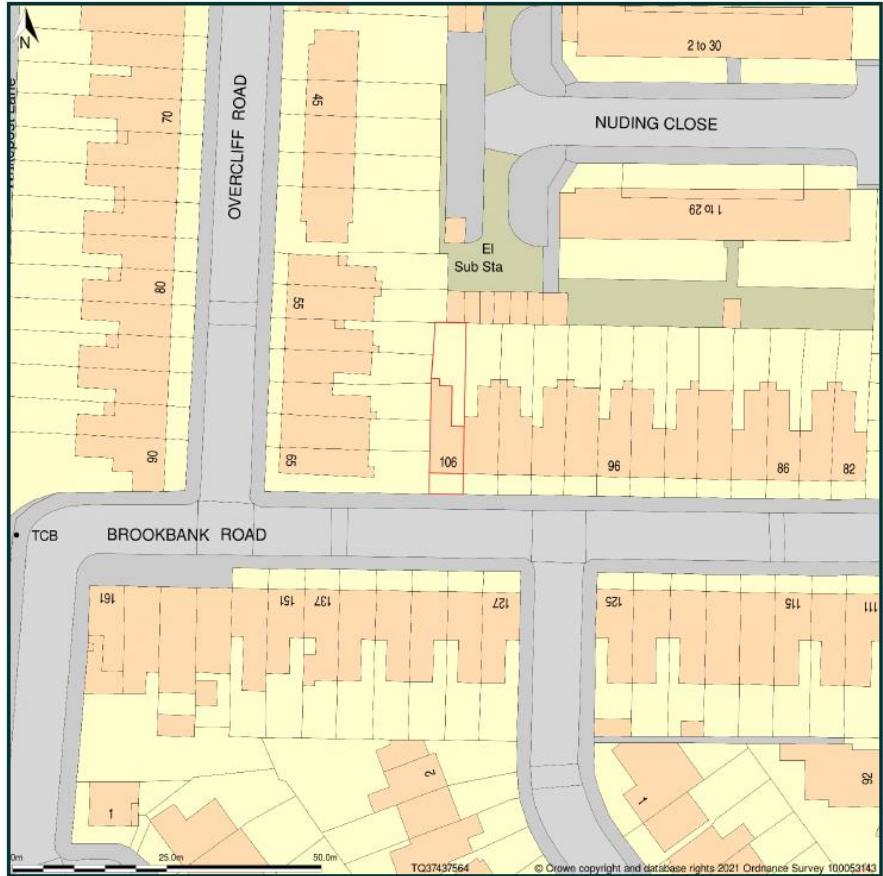
## 1 SUMMARY

- 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 application site is a two storey end of terrace Victorian single family dwellinghouse. It is located on the northern side of Brookbank Road, close to the junction with Fossil Road. The property consists of red and yellow London stock brick with a slate tiled roof. The property has a two storey rear outrigger, typical of those built at the time. The property's western elevation borders the rear gardens of 61, 63 and 65 Overcliff Road.



*Site Location Plan*

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

- 4 The application site is not located in a Conservation Area. It is not a listed building nor in the vicinity of one.

#### ***Surrounding area***

- 5 The application site is located in a predominantly residential area, and surrounded by similarly built two storey terraced Victorian properties.

#### ***Transport***

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

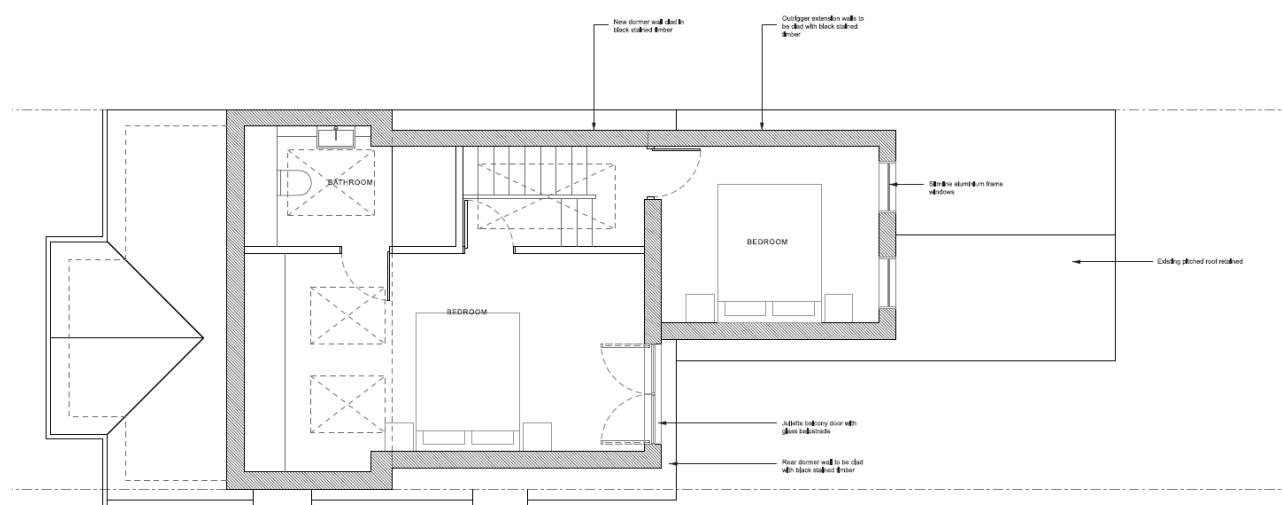
### **3 RELEVANT PLANNING HISTORY**

- 7 DC/21/120707: Proposed construction of single storey rear and side extension at 106 Brookbank Road SE13. **Granted 07 May 2021.**

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSALS**

- 8 The applicant is seeking permission for the construction of a hip to gable and rear dormer extension to the roof of 106 Brookbank Road, together with the installation of three roof lights to the front slope.
- 9 The proposed hip to gable extension would be 3.13m in width and match the boundary of the existing roof. The dormer on the main rear roof slope would be 2.4m in height, 3.9m in depth, and set in back 0.3m from the eaves of the roof. The roof extension atop the outrigger would have a depth of 3.182m and be 2.63m in height.



*Proposed second floor plan*

- 10 The hip to gable roof extension would be constructed of London stock brick to match the existing property build. The dormer would consist of black stained timber cladding with lead flashing between the dormer and gable walls. The dormer roofs would consist of glass reinforced polyester.
- 11 The dormer would have a Juliet balcony with a glass balustrade. The proposed rooflights would be slimline aluminium framed.

## **5 CONSULTATION**

### **5.1 PRE-APPLICATION ENGAGEMENT**

- 12 There was no pre-application engagement.

### **5.2 APPLICATION PUBLICITY**

- 13 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 30 April 2021.
- 14 Three objections were received in regard to the proposals.

### **5.2.1 Comments in objection**

<b>Comment</b>	<b>Para where addressed</b>
Loss of daylight and sunlight at 63 and 65 Overcliff Road.	42, 43
Loss of outlook and a sense of overbearing enclosure for the adjoining properties on Overcliff Road.	42, 43
The proposed extension is much larger than those existing on neighbouring properties and will lead to mismatched roof forms.	31
The black stained timber cladding would be uncharacteristic of the area.	34

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

15 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**

16 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.

17 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.

18 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 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

## **6.4 DEVELOPMENT PLAN**

19 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**

20 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

# **7 PLANNING CONSIDERATIONS**

21 The main issues are:

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

## **7.1 PRINCIPLE OF DEVELOPMENT**

### *General policy*

22 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.

23 The London Plan (LP) 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.

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

24 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*

25 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

26 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.

- 27 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.
- 28 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.
- 29 Section 5.8 of the Alterations and Extensions SPD sets out the design principles for rear roof extensions:
- *Set in from the party wall on each side by at least 0.3m, a minimum of 0.3m below the ridge line, 0.3m from the edge of any hip and at least 0.3m above the existing eaves line.*
  - *If neighbouring roofs have already extended their rear roof significantly, the proposed roof form should take this into consideration to ensure it does not contribute to a group of mismatched roof forms.*
  - *A modern, high quality design is generally more successful when considering a large rear roof extension. The contemporary design is more likely to contrast with the property and maintain the original integrity of the dwelling.*
  - *Applications of a generic nature with tile cladding and UPVC windows will be resisted.*
  - *The use of high quality materials is expected. Materials must be part of an architectural response and details of each material and sample should be submitted.*
  - *The arrangement of windows within the rear of the extension should relate to the arrangement on lower floors.*
  - *The rear roof extension should not be visible from the street frontage.*
  - *The highest quality of design must be employed and pre-application advice should be sought through the formal planning advice service.*
- 30 Section 5.10 of the Alterations and Extensions SPD sets out the design principles for hip to gable extensions:
- *A hip to gable extension on one side of a pair of semi-detached houses or to one end of a terrace may not be acceptable if the sense of openness is an important characteristic of the area and would be materially harmed by this alteration.*
  - *Applicants are advised to consider joint applications with neighbouring properties to ensure the symmetry of the property is not lost.*
  - *Materials must match the existing roof.*

*Discussion*

- 31 The proposed hip to gable extension would be 3.13m in width and match the boundary of the existing roof. The dormer on the main rear roof slope would be 2.4m in height, 3.9m in depth, and set in back 0.3m from the eaves of the roof. The roof extension on the outrigger would extend 3.182m along the outrigger and be 2.63m in height. Whilst moderately larger than the extensions on the neighbouring properties to the east, the roof extensions are within the guidelines set out in the Alterations and Extensions SPD and thus are considered acceptable. Roof dormers, including L-shaped dormers, are common on the host terrace and wider area. Examples can be seen on nearby properties 96, 98, 102 and 104 Brookbank Road and 63 Overcliff Road.
- 32 The hip to gable roof extension would be constructed using London stock brick and would match the character of the existing property. Officers note the Alterations and Extensions SPD sets out that hip to gable extensions on the end of a terrace may not be acceptable should the sense of openness be considered an important characteristic of the area and would be materially harmed by the alteration. The host terrace, comprising 13 properties, is of significant length. As such the hip to gable extension would not be read against the other end of the terrace and as a result would not produce a visual imbalance. In addition, a hip to gable extension could be constructed under permitted development rights at the application site. The extension would have some impact upon the openness of the streetscene, but would not cause harm to the extent that would warrant refusal of the application.
- 33 The roof of the dormer and rear roof extension would consist of glass reinforced polyester and not be visible from the public realm. It is noted that rooflights are common on the front slopes at Brookbank Road, with examples at neighbouring the application site at No. 102 and 104. As such, the proposed rooflights will be in keeping with the character of the area. The proposed rear dormer extension has been designed in accordance with the recommendations of the SPD.
- 34 Whilst the black stained timber cladding is not characteristic of the area, Officers consider both the material and design of the rear roof extensions to be of sufficient quality not harm the appearance of the host property or wider area. The materials are considered to be conducive to the creation of a sympathetic modern intervention.

### **7.2.1 Urban design conclusion**

- 35 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.
- 36 Officers conclude that the proposal responds sensitively to its context and the character of the surrounding area and therefore is acceptable in terms of design.

## **7.3 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

- 37 NPPF para 130 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 185 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
- 38 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).

- 39 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.
- 40 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*

- 41 The proposed roof extensions are positioned a sufficient distance from the boundary with No.104 to cause have no detrimental impact to the eastern neighbour.
- 42 Officers note that comments received in objection to the proposals have concerns regarding the potential loss of light and enclosure for the properties located on Overcliff Road, whose gardens adjoin the western elevation of the application site. Officers note that the distance between the application site and the properties on Overcliff Road provides mitigation against loss of light and enclosure, as the proposed extension would adjoin the rear of the gardens. Furthermore, the proposed extension is typical of this residential typology.
- 43 Both the rear dormer and the extension atop the outrigger would be set back from the eaves, to mitigate against loss of light or enclosure for the properties at Overcliff Road. As such, Officers consider the proposals would not result in a loss of sunlight and daylight, or create an overbearing sense of enclosure.
- 44 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.
- 45 The proposals do not include any windows in the western elevation, and as such, would not impact the privacy of the neighbouring properties.

### **7.3.1 Impact on neighbours conclusion**

- 46 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 DMP 31 and the provisions of the 2019 SPD.

## **8 LOCAL FINANCE CONSIDERATIONS**

- 47 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).
- 48 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 49 The CIL is therefore a material consideration.
- 50 This application does not attract CIL.

## **9 EQUALITIES CONSIDERATIONS**

- 51 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.
- 52 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.
- 53 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.
- 54 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>
- 55 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
- 56 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>
- 57 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**

- 58 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
- 59 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.
- 60 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.
- 61 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**

- 62 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 63 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 preserve and enhance the host building in terms of the design. 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**

- 64 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 THE APPROVED PLANS

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

X-100; X-101; X-102; X-200; X-201; P-100; P-101; Site Location Plan. **Received 12 April 2021.**

P-200 Rev A. **Received 18 June 2021.**

P-102 Rev B; P-103 Rev B; P-201 Rev B. **Received 11 August 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/DESIGN QUALITY

- (a) The development shall be constructed in those materials as submitted namely: London stock brick, black stained timber cladding, glass reinforced polyester roof, leading flashing between dormer and gable wall, slimline aluminium framed windows and in accordance with the relevant plans.
- (b) The scheme shall be carried out in full accordance with those details, as approved.

## 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.