



Planning Committee B

Report title:

32 OAKCROFT ROAD, LONDON, SE13 7ED

Date: 11 November 2021

Key decision: No.

See "[Legal Requirements](#)" in the guidance for more information.

Class: Part 1

See "[Legal Requirements](#)" in the guidance for more information.

Ward(s) affected: Blackheath

Contributors: Max Curson, Planning Officer

Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision as more than three individual objections have been received from local residents.

Application details

Application reference number(s): DC/21/123139

Application Date: 19 August 2021

Applicant: Holloway and Holloway Architects on behalf of Michael Fry

Proposal: Replacement of the existing rear conservatory with a single storey rear extension at 32 Oakcroft Road, SE13.

Background Papers:

- (1) Submission drawings
- (2) Submission technical reports and documents
- (3) Internal consultee responses
- (4) Statutory consultee responses

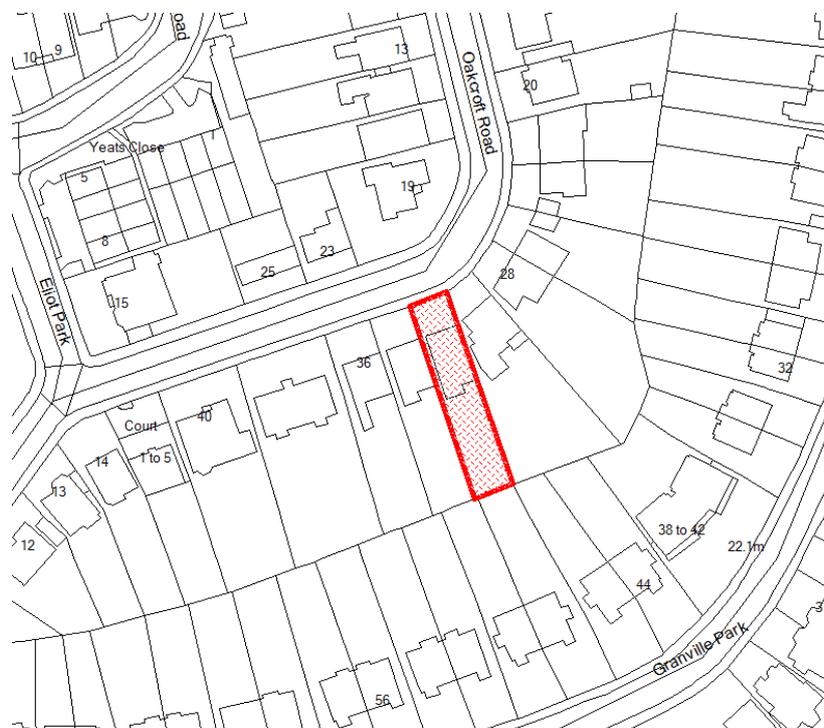
Designation: PTAL 6a
Air Quality Management Area

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is a large detached single family dwelling house constructed between 1902-1908. It is located on the southern side of Oakcroft Road.



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Figure 1: Site Location Plan

Character of area

- 2 The surrounding area is predominantly residential in nature and characterised by large detached properties. A number of more modern infill development of three storey blocks of dwellings have been constructed to the west of the application site.

Heritage/archaeology

- 3 The property lies within the Blackheath Conservation Area but is not subject to an Article 4 Direction. It is not a listed building nor in the vicinity of one. 15 Eliot Park, located to the west of the application site is a locally listed building described as below:

“House. Detached. 1867. Stock brick and slate with stucco detailing. Two storey. Stucco porch with square columns, flanked by canted bay window to right, four-pane sash to left and with four-pane sash over. Bay and porch have ornamental stone balustrades. First floor has four, four-pane sashes with moulded stucco surrounds. Deep projecting bracketed eaves.”

Surrounding area

- 4 The application site is located approximately 250m from the Heath.
- 5 Lewisham rail and DLR stations along with other shops and services located are approximately 500m to the west.

Local environment

- 6 The site falls within Air Quality Management Area.

Transport

- 7 The site has a Public Transport Accessibility Level (PTAL) score of 6a on a scale of 1-6b, 1 being lowest and 6b the highest. It is 160m from Blackheath Station and the Blackheath town centre.
- 8 Lewisham rail and DLR stations are located approximately 500m to the west.

2 RELEVANT PLANNING HISTORY

- 9 There is no relevant planning history for the application site.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 10 Replacement of the existing rear conservatory with a single storey rear extension at 32 Oakcroft Road, SE13.

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11

The proposed extension would have a flat roof and be approximately 3.8m in height, 5.8m in depth, with a width of 4.19m.

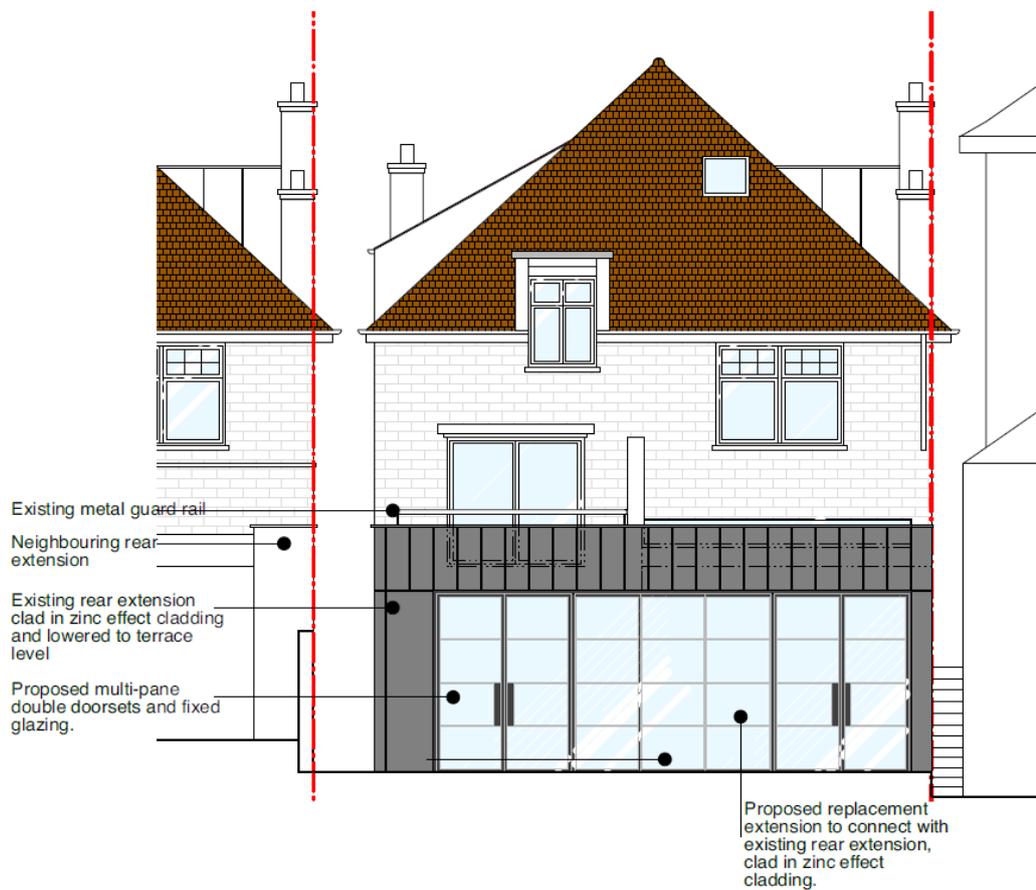


Figure 2: Proposed Rear Elevation

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

12

No pre-application advice was sought from the council regarding the proposal.

4.2 APPLICATION PUBLICITY

13

Site notices were displayed on 08 September 2021 and a press notice was published on 08 September 2021.

14

Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 03 September 2021.

15

Four responses were received comprising four objections.

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4.2.1 Comments in objection

Comment	Para where addressed
The proposed extension would result in overbearing enclosure.	62, 63, 64
Loss of light to the windows in the western flank elevation of No.30	62, 63, 64
The proposed extension is not in keeping with the host property or conservation area.	43, 44
The proposed extension is larger than the guidelines set out in the Alterations and Extensions SPD.	42

- 16 Two comments received in objection notes that the application seeks to extend the existing roof terrace at No.32. This is not the case and will not be given any weight in the planning judgement of this application. A condition has been added to ensure that the flat roof of the proposed extension shall not be used as a balcony or terrace.
- 17 One comment notes that the view of neighbouring gardens will be diminished as part of the proposal. Loss of view is not a material planning consideration and thus will be given no weight in the planning judgement of this application.
- 18 One comment questioned whether planning permission was given for the existing rear extension and conservatory at No.32. The Council does not hold record of any applications to construct the rear extension or conservatory. It is likely any permission predates Lewisham's current digital planning database. In any case, it is clear that the rear extension and conservatory have been existing for more than four years, and as such, no enforcement action can be taken.

4.3 INTERNAL CONSULTATION

- 19 The following internal consultees were notified on 03 September 2021.
- 20 Conservation: reviewed and no comment to make

4.4 EXTERNAL CONSULTATION

- 21 The following External Consultees were notified on 03 September 2021:
- 22 Ward councillors: No responses received.
- 23 Blackheath Society: did not provide comments.

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5 POLICY CONTEXT

5.1 LEGISLATION

24 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).

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

5.2 MATERIAL CONSIDERATIONS

26 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.

27 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.

28 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.

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

29 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)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

30 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

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5.6 OTHER MATERIAL DOCUMENTS

- Blackheath Conservation Area Character Appraisal and Supplementary Planning Document (2007)

6 PLANNING CONSIDERATIONS

31 The main issues are:

- Principle of Development
- Urban Design
- Living Condition of the Neighbours

6.1 PRINCIPLE OF DEVELOPMENT

General policy

32 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.

33 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.

6.1.1 Principle of development conclusions

34 The Development Plan is generally supportive of people extending or altering their homes. The principle of development is supported, subject to details.

6.2 URBAN DESIGN

General Policy

35 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.

36 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.

37 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.

38 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.

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39 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

Discussion

40 Paragraph 4.2.4 and of the Alterations and Extensions SPD sets out the following guidance for single storey rear extensions in conservation areas:

Alterations within conservation areas should be of the highest quality design using high quality materials. The rear building line, the size of the rear garden and the prevailing characteristics of adjoining properties should all be taken into account.

Rear extensions should:

- *Remain clearly secondary to the host building in terms of location, form, scale and detailing.*
- *Respect the original design and architectural features of the existing building.*
- *On semi-detached properties extensions should not extend beyond the main side walls of the host building.*
- *Have a ridge height visibly lower than the sill of the first floor windows (2 to 3 brick courses) and roof pitches to complement those of the main building.*

41 Paragraph 4.2.5 sets out that:

A modern, high quality design can be successful in achieving a clear distinction between old and new. In some locations, a traditional approach can be a more sensitive response to a historic building, particularly where homogeneity of groups of buildings is part of their special character.

42 The existing conservatory would be replaced as part of the proposal. The proposed single storey rear extension would have a flat roof and be approximately 3.8m in height, 5.8m in depth, with a width of 4.19m. The height of the proposed extension would match that of the existing rear extension at the application site. Officers note that the height of the proposed extension at 3.8m is higher than the guidelines set out in the Alterations and Extensions SPD. However, taking into consideration the existing rear projection and the height of the existing conservatory, the large gardens and size of the host property, the proposed extension is considered subordinate and acceptable.

43 The existing rear extension is finished in a white render. The proposed extension and existing rear extension would be clad in zinc effect cladding. Multi-pane double door sets would be installed at the rear. Two large rooflights would be installed in the proposed extension roof. Officers consider that the modern design and high quality materials would result in a clear distinction between the existing host building and proposed extension and as such is considered acceptable. The replacement of the white render of the existing extension with zinc effect cladding is considered to improve the appearance of the rear elevation. The proposed extension would remain sufficiently subordinate to the application property

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44 The proposed extension would not be visible from the public realm and its design would be compatible with the special characteristics of the area. As such, the proposals would have no harm to the character or appearance of the Blackheath Conservation Area.

6.2.1 Impact on Heritage Assets

Policy

45 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.

46 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

47 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

48 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

49 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.

50 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

51 Further guidance is given in the Blackheath Conservation Area Character Appraisal and Supplementary Planning Document (2007).

Discussion

52 The application site is located within the Blackheath Conservation Area. The Blackheath Conservation Area is split into 'sub areas' with the application site lying within sub area "Character Area 6: Granville Park, Oakcroft Road, St. Austell Road, Walerand Road and the Knoll". The majority of the properties on Oakcroft Road are detached and were built between 1902 – 1908. Character Area 6 is best known for the wide formally laid out streets with generous pavements. The streets traverse across the contours of Lewisham Hill to varying degrees setting a non-standardised road configuration; from the gentle sweep of Granville Park to the relative steepness of Lewisham Hill. Number 32 is no exception.

53 The principal areas of significance of the application site are with its setting and location, rather than any particular merit or value of the rear of the property itself. In light of the above, Officers consider that the current proposal would lead to no harm to the Blackheath Conservation Area.

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54 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve or enhance the character or appearance of Blackheath Conservation Area.

6.2.2 Urban design conclusion

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

56 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.

6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

57 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

58 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).

59 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.

60 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

61 The proposed extension would be located on the eastern side of the property and match the depth of the existing rear extension. The proposed extension would be located 5.075m from the boundary with No.34 and as such, would have no detrimental impact on the amenity of the western neighbour.

62 Officers note that comments received in objection to the proposals have concerns over loss of light and enclosure for No.30, particularly the impact upon the windows in the western facing side elevation.

63 However, there are multiple factors that provide mitigation against loss of light and enclosure. Firstly, the application site is located on a curve in the road, so No.30 angles away from the proposed extension. Secondly, the windows facing the proposed development are flank windows and secondary in nature. The primary rearward facing windows would not be affected by the proposed development.

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64 The proposed extension would be located 1.84m at the closest point, extending to 2.24m at its widest, from the windows in the western elevation of No.30. These factors, combined with the large size of the buildings and gardens on Oakcroft Road, ensure that the impact of the proposed development in terms of loss of light or enclosure would be both minimal and acceptable. In addition, the applicant has submitted evidence indicating that the flank window at ground floor level at number 30 would pass the BRE 25 degree test indicating no unreasonable impact by way of loss of daylight or sunlight. The proposed development would infringe upon the 25 degree test in relation to the flank lower ground window at number 30, however on balance this is considered acceptable given that the window is located at lower ground level and naturally would expect to receive lower level of light, given that the existing extension also infringes upon the 25 degree test and that this is a secondary window with primary windows facing rearward remaining unaffected.

65 The proposed extension would introduce no new lines of sight not available from the host building. Subject to a condition to ensure that the flat roof of the proposed extension will not be used as a balcony or terrace, it will not impact the privacy of the neighbours.

66 The application site will remain a single family dwellinghouse. No increase in noise or disturbance is expected.

6.3.1 Impact on neighbours conclusion

67 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.

7 LOCAL FINANCE CONSIDERATIONS

68 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).

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

70 The CIL is therefore a material consideration.

71 This application does not attract CIL.

8 EQUALITIES CONSIDERATIONS

72 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.

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- 73 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.
- 74 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.
- 75 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>
- 76 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
- 77 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>
- 78 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.

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9 HUMAN RIGHTS IMPLICATIONS

79 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

80 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.

81 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.

82 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.

10 CONCLUSION

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

84 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 the host building and Blackheath Conservation Area 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.

11 RECOMMENDATION

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

11.1 CONDITIONS

- 1) FULL PLANNING PERMISSION TIME LIMIT

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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:

000. **Received 20 August 2021.**

001; 002; 003; 004; 005; 006; 021; 022; 023; 031; 032; 033; 100; 101; 102; 103; 104; 111; 112; 113; 114; 115. **Received 24 September 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**

No development above ground shall commence on site until a detailed schedule and specification of all external materials and finishes to be used on the extension have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the 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.

11.2 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.

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12 BACKGROUND PAPERS

- 86
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 - 3) Statutory consultee responses

13 REPORT AUTHOR AND CONTACT

87 Report author: Max Curson (Planning Officer)

Email: max.curson@lewisham.gov.uk

Telephone: 020 8314 7219

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