



## Planning Committee B

### Report title:

**19 HAREDON CLOSE, LONDON, SE23 3TG**

**Date:** 02<sup>nd</sup> Dec 2021

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** Forest Hill

**Contributors:** Zahra Rad

### Outline and recommendations

The report has been brought before the committee for a decision due to the submission of four objections from neighbouring properties.

## Application details

**Application reference number(s):** DC/21/120670

**Application Date:** 02 March 2021

**Applicant:** Enviroform Associates

**Proposal:** Construction of a first floor rear extension at 19 HAREDON CLOSE, SE23, together with a loft extension

**Background Papers:** Submission drawings and documents

**Designation:** PTAL 3  
Air Quality Local Open Space Deficiency  
Not in a Conservation Area  
Not a Listed Building

**Screening:** N/A

## 1 SITE AND CONTEXT

### *Site description and current use*

- 1 The application relates to an end of terrace property at the bottom of Haredon Close at No 19. The site is an irregular shaped plot and benefits from a moderate size back and side garden. The existing property benefits from a two storey side projection on the southern elevation and a single storey lean-to extension to its rear.
- 2 The property is not located within a conservation area, nor is it close to a listed building or non-designated heritage asset.



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

- 3 The area is predominantly residential in nature and comprises of mostly terraced properties.

### ***Surrounding area***

- 4 The One Tree Hill allotments and Camberwell New Cemetery are approximately 200m to the north-west of the subject site. There are local shopping parades 200m to the west (Burnt Ash) and 800m to the south at Grove Park.

### ***Transport***

- 5 The property is within 10 minutes walking distance from Honor Oak Park Station, and has a PTAL rate of 3.

## **2 RELEVANT PLANNING HISTORY**

- 6 DC/10/073766/FT - Lawful Development Certificate in respect of the construction of a single storey extension to the rear of 19 Haredon Close SE23. Granted 16 Jun 2010.
- 7 DC/15/094298 - The construction of a two storey extension to upper ground floor and first floor to the rear of 19 Haredon Close SE23. Withdrawn on 22/03/2016.

## **3 CURRENT PLANNING APPLICATION**

### **3.1 THE PROPOSALS**

- 8 The proposal is for the construction of an additional first floor on top of the existing extension, with a dormer to the top of the proposed sloped roof. The first floor extension would have the same width and depth of the exiting single storey extension at the ground floor (3m x 3m).
- 9 The proposed extension would have a slopped roof which is the continuation of the existing roof on this side at the top of the projection, with a dormer extension. The existing loft would be converted to a habitable space by constructing a dormer with a depth of 2m, a height of 1.25m with a flat roof which, would set back from the eaves by 1m. The total height of the proposed back projection would be 7.75m (including the existing single storey extension) from the garden level which would be 1.7m lower than the existing roof.
- 10 One window would be introduced to the first floor side elevation, which would serve the additional dining room space with a similar opening style to the existing windows to the side, but with smaller size. One window to the dormer would be introduced which serves the new bedroom at the loft level.
- 11 The material to be used would be brick veneer to timber framed walls on the first floor and tile cladding to timber framed walls on the upper extension. The windows are proposed to be uPVC framed.

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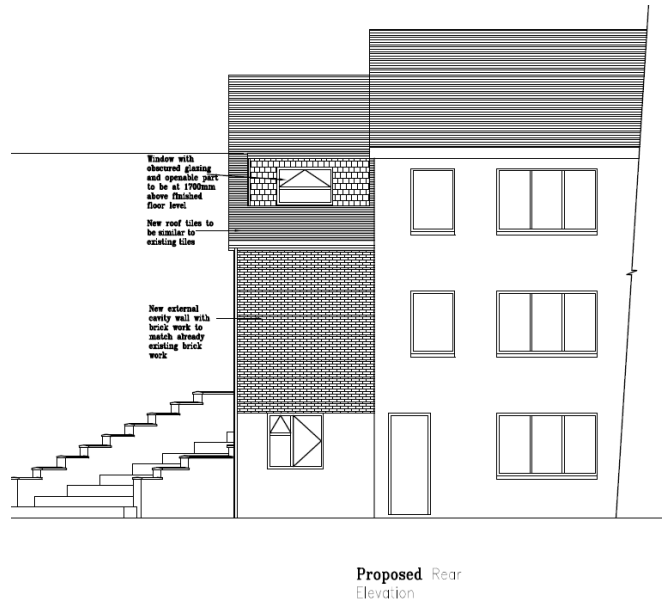


Figure 1 Proposed Rear Elevation



Figure 2 Proposed Side Elevation

## 4 CONSULTATION

### 4.1 PRE-APPLICATION ENGAGEMENT

4.2 No pre-application advice was sought from the council regarding the proposal. As the scheme is a householder, no pre-application consultation with the local community was required.

### 4.3 APPLICATION PUBLICITY

12 Site notices were displayed on 16 March 2021.

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13 Letters were sent to residents and business in the surrounding area, the relevant ward Councillors on 04 March 2021.

14 Five responses were received, comprising four objections.

#### 4.3.1 Comments in objection

Comment	Para where addressed
Not beneficial for the cul de sac: The house is of multiple occupation and with this comes multiple vehicles which will park on Haredon Close which is a cul de sac with only limited space.	47
Overlooking/loss of privacy: the window to the side will directly overlook to the back gardens	38 and 45
Layout and density of building: change the original development by extending to the side	34
Design, appearance and materials: would present an extremely overbearing brick wall, resulting poor visual amenity	37

#### 4.3.2 Comments in support

15 None

### 4.4 INTERNAL CONSULTATION

16 No internal consultees were notified due to the nature of this application

### 4.5 EXTERNAL CONSULTATION

17 No external consultees were notified due to the nature of this application

## 5 POLICY CONTEXT

### 5.1 LEGISLATION

18 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).

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## 5.2 MATERIAL CONSIDERATIONS

19 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.

20 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.

21 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

22 The Development Plan comprises:

- London Plan (March 2021) (LP)
- 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)

## 5.5 SUPPLEMENTARY PLANNING GUIDANCE

23 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

24 London Plan SPG/SPD:

- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)

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## 6 PLANNING CONSIDERATIONS

25 The main issues are:

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

### 6.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

26 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.

27 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

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

29 Objections highlighted the use of the property as HMO. The application site is in use as a single family dwellinghouse. The application proposes householder development and the use of the property is not material to the planning decision.

### 6.2 URBAN DESIGN

#### *General Policy*

30 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.

31 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.

32 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.

#### 6.2.1 Appearance and character

##### *Policy*

33 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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## *Discussion*

- 34 The scheme has been assessed against sub-paragraphs at 4.3 'Two storey extensions' of the Alterations and Extensions SPD which sets out guidance for two storey rear and side extensions. The SPD states that scheme should:
- *demonstrate that the characteristics and integrity of the host property is maintained/enhanced and that the impact on neighbouring properties is not significant.*
- 35 The proposed extension to the rear and the alterations to the side elevation would not be visible from the Haredon Close due to the layout of the application site. An objection highlighted that the development would change the original appearance of the property. It is noted the extending the property to the side and rear is established and the existing position is lawful. On balance and given the existing position, the proposed scheme is of a modest scale and effectively extends an existing extension. It is not considered to harm the character of the area as it would only be partially visible from the side garden of the application site, the far end of the back garden at Boveney Road and partially visible from the back garden of the other properties at Haredon Close.
- 36 The first floor would align with the side and rear elevation of the existing side extension, with the same material and features. The total height of the proposed back projection would be 7.75m from the garden level which would be 1.7m lower than the existing roof facing the cul de sac, which complies with SPD guidance.
- 37 Although the proposed development would add to the bulk and mass of the main building its appearance is similar to the existing side elevation, and would be compatible with the characteristics of the area. Therefore, the bulk and the scale of the proposal would remain sufficiently subordinate to the host building and are considered acceptable.
- 38 The window to the side would have similar style of the existing one to the side but is proposed to be smaller (1.2m x 1.3m), therefore this insertion would not change the architectural character of the host building. The window would serve the dining room and would be facing towards the back gardens of the properties on Boveney Road at oblique angles. Its impact on the neighbours will be assessed below. The rear dormer window would serve the new bedroom, and would be obscure. While officers accept that dormer roof extensions are not a typical feature of the post war terraces in the area, they are a common feature of the houses along Boveney Road.
- 39 The proposed materials would be similar to the existing, which would not harm the appearance of the host building.

### **6.2.2 Urban design conclusion**

- 40 In summary, the extension, due to its design and use of material, would preserve the character and appearance of the host dwelling and would be in keeping with the character and appearance of the area. The design of the scheme is supported.

## **6.3 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

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- 41 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
- 42 LPP D3 states that development proposals should deliver appropriate outlook, privacy and amenity as well as mitigating noise levels. The Core Strategy (CP15), the Local Plan (DMP 31) and associated guidance (Alterations and Extensions SPD 2019).
- 43 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*

- 44 The proposed development would be at the side of the existing terrace and due to the difference in levels and the layout of the terrace, the proposed scheme would not be visible from No 16-18 Haredon Close. The development would be somewhat visible from the far end of the back gardens of No 16 to 18 Haredon Close, but due to its location and scale it is not considered to have any adverse impact in terms of sunlight and daylight or privacy of these gardens.
- 45 Objections were raised in terms of amenity impact of the proposal on the back gardens of Nos 67, 69 and 71 Boveney Road. However due to the layout of the properties, a minimum distance of 3.8m from the side fence, and a 23m distance from rear face of the dwellings on Boveney Road, and given the existing mature trees and the greenery, the proposed extension and alterations on the side elevation would be expected to have commensurate impacts to the existing two storey side extension on the amenities of neighbours living at Nos 67, 69 and 71 Boveney Road. This assessment accounts for the slope of the land.
- 46 The proposed developments would be on the other side of the adjoining neighbour at No 18 Haredon Close and would not have any impact on the amenities of the neighbours living at No 18.
- 47 An objection was raised regarding the use of the property and its impact on parking stress on the cul de sac by the occupiers of No 19. The additional storey would not change the status of the property, and no new planning unit is proposed. The issue of parking stress does not fall to be considered and is not material to the planning decision. The proposal presents a modest rear extension to a single family house.

### **6.3.1 Impact on neighbours conclusion**

- 48 The proposed development, would not have adverse impact on the amenities of its neighbours, in terms of creating a sense of enclosure, impact on day light/ sun light and impact on privacy and is therefore acceptable.

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## 7 LOCAL FINANCE CONSIDERATIONS

49 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).

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

51 The CIL is therefore a material consideration.

52 CIL is chargeable on the net additional floor space of all new development. Since the proposal is not providing additional floor space CIL is not payable on this development.

## 8 EQUALITIES CONSIDERATIONS

53 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.

54 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.

55 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.

56 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>

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- 57 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
- 58 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>
- 59 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.

## 9 HUMAN RIGHTS IMPLICATIONS

- 60 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
- 61 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.
- 62 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.
- 63 This application has the legitimate aim of providing a single storey rear extension. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

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## 10 CONCLUSION

- 64 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 65 The proposed alterations to the building are acceptable in terms of scale, form, and design.
- 66 The proposal would have no unacceptable impact on neighbouring properties in terms of overlooking, loss of daylight/sunlight, noise or disturbance. There would be no significant negative impact on the local transport network or parking.
- 67 In light of the above, it is recommended that planning permission is approved.

## 11 RECOMMENDATION

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

### 11.1 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:

ENV/F0/01/011/000; ENV/F0/01/011/001; ENV/F0/01/011/002;  
ENV/F0/01/011/003; ENV/F0/01/011/004; ENV/F0/01/011/005;  
ENV/F0/01/011/006

**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.

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## 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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.

## 12 BACKGROUND PAPERS

69 Submission Drawings

70 Submission Technical Reports and Documents

## 13 REPORT AUTHOR AND CONTACT

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