



## Planning Committee A

**Report title: GROUND FLAT, 5 GLENSDALE ROAD, LONDON, SE4 1UE**

**Date:** 06 January 2022

**Key decision:** No.

**Class:** Part 1

**Ward(s) affected:** Brockley

**Contributors:** Max Curson

### **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 the Brockley Society have objected to the proposal.*

## Application details

**Application reference number(s):** DC/21/123314

**Application Date:** 02 September 2021

**Applicant:** Garden Club London Ltd

**Proposal:** Demolition of rear garden wall to create a parking space and other works to improve the garden at Ground Floor Flat, 5 Glensdale Road SE4.

**Background Papers:** (1) Submission drawings  
(2) Submission technical reports and documents  
(3) Statutory consultee responses

**Designation:** PTAL 3  
Air Quality  
Brockley Article 4 Direction  
Brockley Conservation Area  
Not a Listed Building

**Screening:** N/A

## 1 SITE AND CONTEXT

### *Site description and current use*

- 1 The application site is a self-contained ground floor flat located within a semi-detached three storey Victorian property. It is located on the northern side of Glensdale Road. The rear garden of the property adjoins a track which provides access from Harefield Road.
- 2 There was no site visit for the application due to travel restrictions related to the Covid-19 global pandemic. The site photos provided by the applicant, aerial and recent images available on Streetview and Google Earth are considered to be a sufficient basis to make an informed recommendation.

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>



**Figure 1: Site Location Plan**

***Character of area***

- 3 The surrounding area is predominantly residential in nature and surrounded by two to three storey Victorian Properties. More modern blocks of flats are located to the west of the application site.
- 4 The application site lies within the Brockley Conservation Area and is subject to an Article 4 Direction. It is not a listed building nor in the vicinity of one.

***Surrounding area***

- 5 Hilly Fields is located approximately 250m to the east of the application site. There are a number of shops, takeaways and public houses within a 500m radius.

***Local environment***

- 6 The site falls within an Air Quality Management Area.

***Transport***

- 7 The site has a Public Transport Accessibility Level (PTAL) score of 3 on a scale of 1-6b, 1 being lowest and 6b the highest.

**Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

8 Brockley Railway Station is located approximately 425m to the west of the application site.

## 2 RELEVANT PLANNING HISTORY

9 DC/21/123746: REAR: ONE Portugal Laurel (T1)(ht.2.3m) FELL. Reason: overcrowding and in connection with planning application DC/21/123314 for creation of new rear parking space. **Granted 12 November 2021.**

## 3 CURRENT PLANNING APPLICATION

### 3.1 THE PROPOSALS

10 Demolition of rear garden wall to create a parking space and other works to improve the garden at Ground Floor Flat, 5 Glensdale Road SE4.

## 4 CONSULTATION

### 4.1 PRE-APPLICATION ENGAGEMENT

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

### 4.2 APPLICATION PUBLICITY

12 Site notices were displayed on 28 September 2021 and a press notice was published on 29 September 2021.

13 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 23 September 2021.

14 The Brockley Society objected to the proposal. A summary of the Society's objection is set out in the table below.

#### 4.2.1 Comments in objection

Comment	Para where addressed
Demolition of garden walls, especially to create parking spaces, is contrary to the Brockley Conservation Area SPD.	31, 32, 33
Creating parking spaces in back gardens damages the character of the conservation area.	41, 50, 51, 52, 53
Impact of the parking space on sustainable drainage and run off.	70

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

A parking space will damage the amenity provided by the garden for both wildlife and residents.	79, 80
A parking space would be contrary to the Council's aims of climate action and sustainable modes of transport.	31, 32, 59
Harefield Road is well served by public transport.	32, 59
The improvements to the existing garden proposed do not offset the harm of the parking space.	40, 51, 52, 53
Increase in noise and pollution as a result of the parking space.	65
A tree should not be lost to make way for the parking space.	33, 79

- 15 The Brockley Society also raised concerns over whether the applicant has a right of way to use the access route from Harefield Road. However, the right of way is civil matter and not a material planning consideration, therefore Officers give it no weight in reaching their recommendation.
- 16 The Brockley Society also noted turning front gardens into parking spaces is contrary to the Council's aim of providing a healthy and active pedestrian friendly environment. The front garden would not be impacted by the proposal.
- 17 The Society's objection also notes refusals for new driveways elsewhere. As a driveway is not being created, this is not considered a material consideration.

### **4.3 INTERNAL CONSULTATION**

- 18 The following internal consultees were notified on 06 September 2021.
- 19 Conservation: No objections following revisions. See paras 50 and 51 for further details.
- 20 Highways: reviewed and decided not to comment.

### **4.4 EXTERNAL CONSULTATION**

- 21 No external consultees were notified given the nature of the application.

## **5 POLICY CONTEXT**

### **5.1 LEGISLATION**

- 22 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).

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

23 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

24 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.

25 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.

26 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

27 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)

## 5.5 SUPPLEMENTARY PLANNING GUIDANCE

28 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Brockley Conservation Area Supplementary Planning Document (December 2005)

## 5.6 OTHER MATERIAL DOCUMENTS

- Brockley Conservation Area Character Appraisal (2005)

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

## 6 PLANNING CONSIDERATIONS

29 The main issues are:

- Principle of Development
- Urban Design and Impact on Heritage Assets
- Transport Impact
- Living Conditions of the Neighbours
- Sustainable Development
- Natural Environment

### 6.1 PRINCIPLE OF DEVELOPMENT

#### *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.

#### *Discussion*

32 Officers note that the Brockley Society objected to the proposal on the grounds that it would be contrary to the Council's aims of encouraging sustainable modes of transport and note that Harefield Road (from which the parking space would be accessed) is served well by public transport. Officers do not disagree with this concern; however the question is whether there is a policy basis on which a parking space can be refused as a matter of principle.

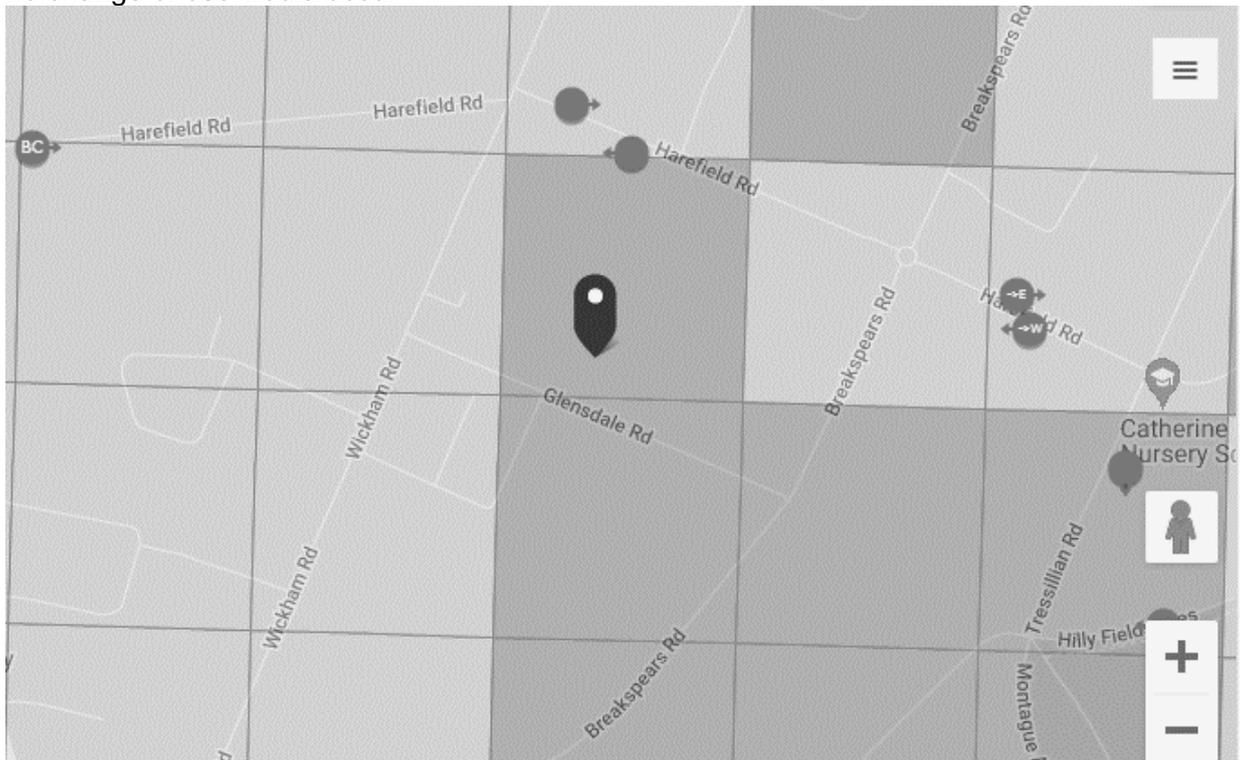
33 The access point from Harefield Road appears to lie directly on the boundary of PTAL 4 and 3 (see Figure 4, below). The principle of providing a residential parking space within an area with a PTAL of 4 or above is contrary to the maximum parking standards set out in Table 10.3 of the London Plan. The application site itself has a PTAL of 3 which indicates an average access to public transport. As such, the principle of a parking space in this location is within the guidelines of the London Plan, which sets a maximum of up to 0.25 spaces per dwelling. Whilst the creation of a parking space in the rear garden is not preferable, it is in a convenient location, with an already established access drive, and there is no policy basis on which to say the creation of a parking space in the curtilage of an existing dwelling is objectionable solely on the basis of the provision of off-street parking. In reaching this conclusion, Officers are giving weight to the fact LPP T6.1 (A) states "New residential development should not exceed the maximum parking standards set out in Table 10.3". The proposal is not associated with new residential development and therefore Officers do not consider this type of development lies within the scope of LPP T6.1 (A). Decisions to approve or refuse off-street parking in front gardens elsewhere in the Conservation Area and the wider Borough have not been deemed to be conflict with LPP T6.1, albeit that policy was only adopted earlier this year. The use of part of the land within the curtilage of a dwelling for private parking associated with that dwelling would be ancillary to the C3 use class, so

#### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

no change of use would occur



**Figure 4: extract from TfL PTAL map - mid grey is PTAL 3, lighter grey is PTAL 4, the dark grey pin is the centre of the application site.**

34 The Brockley Society also objected to the principle of the demolition of the rear garden wall as it would be contrary to page 9 of the Brockley Conservation Area SPD. The SPD does not make any reference to the demolition of rear garden walls. In addition the Society has objected to the felling of a tree to create the parking space. The Tree Officer has already granted permission to fell the tree. As such, Officers cannot consider the loss of the tree a material consideration with regard to the principle of development.

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

#### **6.1.1 Principle of development conclusions**

36 The principle of development is supported, subject to details.

## **6.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS**

### *General Policy*

37 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.

38 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.

### **Is this report easy to understand?**

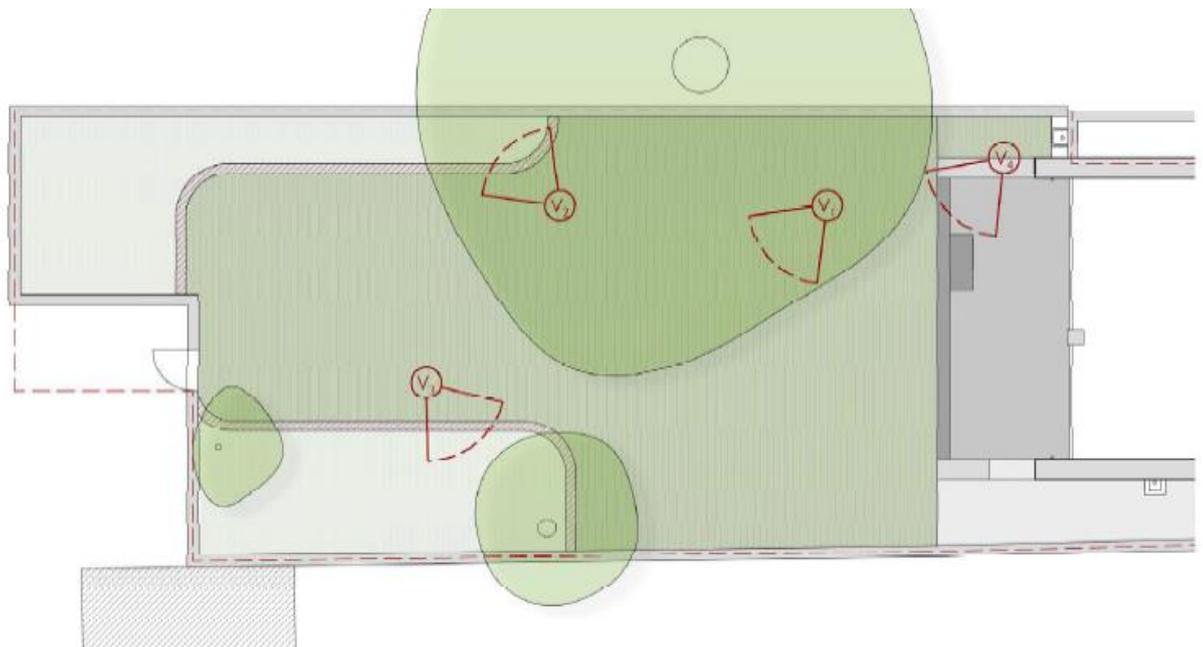
Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 39 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.
- 40 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.
- 41 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*

- 42 The Alterations and Extensions SPD does not provide guidance on parking spaces in rear gardens.
- 43 The Applicant describes the existing garden as being dominated by unmanaged and run-down groundcover which lacks interest in both aesthetic and ecological terms. There is an existing stone patio that adjoins the rear of the property. The existing rear garden layout plan is shown on the figure below.



**Figure 2: Existing Garden Layout Plan**

- 44 The proposed works include the demolition of part of the existing rear garden wall to create access to a private parking space (approximately 4m x 3.5m) within the property boundary. The parking space would be constructed of permeable paving and would be served by an electric vehicle charging point. A new wall would be constructed to adjoin the existing rear garden wall to form a straight rear boundary. The new wall is proposed to be constructed of concrete blocks with a coping of London stock bricks and a timber trellis above. This would match the existing wall. The existing trellis would be replaced on both the existing and proposed wall. Permission has been granted under application DC/21/123746 to remove an existing tree at the location of the proposed parking space.

#### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Stone paving would be laid in the middle of the garden to allowing for a dining area. A timber benched seating area would also be installed. A mix of planting is proposed for the rear garden. Permeable gravel pathways will be created, with the planting designed to self-seed into the gravel over time. The proposed garden layout is shown on the figure below.



**Figure 3: Proposed Garden Layout Plan**

### 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 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.
- 48 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.
- 49 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.

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

50 Further guidance is given in the Brockley Conservation Supplementary Planning Document and the Brockley Conservation Area Character Appraisal.

#### *Discussion*

51 The application site is located within the Brockley Conservation Area. The Conservation Officer sought revisions to the proposal plans. Whilst there was no objection to creation of the parking space or the alterations of the rear boundary wall, addition drawings and details were requested of the brick, bond, mortar and detailing. The applicant subsequently provided additional drawings and details. In addition, the paving at the proposed car parking space was changed from concrete to a porous and permeable material. Officers consider the proposed Marshalls Piora Permeable Paving to be of sufficient quality for the conservation area.

52 The Conservation Officer sought a reduction in the amount of gravel proposed at the rear garden to protect the significance of the conservation area. The applicant subsequently amended the plans to reduce the size of the gravel paths and increase the green quality of the garden. In addition, the Conservation Officer objected to the proposed double doors at the rear of the garden. The applicant subsequently provided amended plans with a single door. As such, officers consider the proposal to be acceptable in terms of its impact on the Brockley Conservation Area.

53 The Brockley Society stated in their objection that the improvements to the garden do not offset the creation of a parking space. Officers appreciate that conclusion can be reached, depending on the weight the decision maker gives to the relevant considerations. In this case, Officers have reached a different conclusion, which is that the creation of a parking space creates no harm and therefore there is no need to consider whether the improvements to the garden would offset the parking space, The parking space would be conveniently located and it would not be visible from the public realm. Therefore, Officers consider that the current proposal would lead to no harm to the Brockley Conservation Area.

#### *Summary*

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 the character and appearance of Brockley Conservation Area.

## **6.3 TRANSPORT IMPACT**

#### *General policy*

55 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 104. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 56 Para 111 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 57 Regionally, the Mayor’s Transport Strategy (‘the MTS’, GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.
- 58 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

### ***Private cars***

#### *Policy*

- 59 LPPs T6 and T6.1 supported by CSP 14 and DMP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Table 10.3 of the London Plan sets the maximum car parking standards for residential developments.

#### *Discussion*

- 60 Officers note that the Brockley Society objected to the proposal on the grounds that it would be contrary to the Council’s aims of encouraging sustainable modes of transport and note that Harefield Road (from which the parking space would be accessed) is served well by public transport. Officers do not disagree with this concern; however the question is whether there is a policy basis on which a parking space can be refused as a matter of principle. This is covered in detail in para X of the Principle of Development Section. As noted, there is no in-principle objection to the creation of a parking space. Whether a parking space is acceptable depends on the other impacts of the space on matters such as urban design, impact on the heritage asset, impact on the living conditions of neighbours and green infrastructure considerations.

### **6.3.1 Transport impact conclusion**

- 61 The proposed development is considered to have an acceptable transport impact.

## **6.4 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

- 62 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 183 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.
- 63 The NPPF at para 174(e) states decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. At para 180(a) of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

64 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMPs 32 and 33) and associated guidance.

#### **6.4.1 Noise and disturbance**

##### *Policy*

65 PPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.

##### *Discussion*

66 Officers note that the Brockley Society objected to the proposals on the grounds that it would increase noise and pollution for the surrounding properties. Only one parking space is proposed. The access track from Harefield Road is already established for vehicular access. Officers do not consider that the single parking space would lead to a material increase in noise or pollution for the surrounding properties.

#### **6.4.2 Impact on neighbours conclusion**

67 The proposal would not impact upon the living conditions of the neighbours.

### **6.5 SUSTAINABLE DEVELOPMENT**

#### **6.5.1 Sustainable Urban Drainage**

##### *Policy*

68 The NPPF at para 165 expects major development to incorporate sustainable urban drainage systems (SUDS) unless there is clear evidence it is inappropriate.

69 LPP SI13 expects development to achieve greenfield run-off rates in accordance with the sustainable drainage hierarchy.

70 CSP 10 requires applicants demonstrate that the most sustainable urban drainage system that is reasonably practical is incorporated to reduce flood risk, improve water quality and achieve amenity and habitat benefits.

##### *Discussion*

71 Officers note that the Brockley Society objected to the proposals on the grounds that the parking space would impact upon sustainable drainage and run off. The parking space would be constructed of Marshall Priors Permeable Paving which has a flow rate of 18750 L/S/H (Litre/Second/Hectare). The gravel used to make paths at the garden would be permeable. The paving under the dining area would be conditioned to ensure that a permeable material is used. As such, the proposal would have no appreciable impact on sustainable urban drainage.

#### **6.5.2 Sustainable Infrastructure conclusion**

72 The proposal will not impact upon sustainable urban drainage.

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

## 6.6 NATURAL ENVIRONMENT

### *General Policy*

- 73 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning. S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.
- 74 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 75 The NPPF at para 183 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, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.

### 6.6.1 Ecology, biodiversity, green spaces and trees

#### *Policy*

- 76 NPPF para 174 expects development to contribute to and enhance the natural and local environment. Para 131 of the revised NPPF emphasises the importance of retaining trees where possible.
- 77 LPP G7 expects development proposals to ensure that, wherever possible, existing trees of value are retained. Where it is necessary to remove trees, adequate replacement is expected based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or other appropriate valuation system.
- 78 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.
- 79 DMP 25 states that development schemes should not result in an unacceptable loss of trees, especially those that make a significant contribution to the character or appearance of an area, unless they are considered dangerous to the public by an approved Arboricultural Survey. Where trees are removed as part of new development, replacement planting will normally be required. New or replacement species should be selected to avoid the risk of decline or death arising from increases in non-native pests and diseases.

#### *Discussion*

- 80 As noted in para 33, the Tree Officer has already granted permission to fell the tree in a separate application. In coming to their decision, the Tree Officer noted that the Portugal Laurel was not visible from the public realm, and added an informative stating that replacement urban greening and wildlife habitat would be greatly appreciated as part of the rear garden landscape proposals. A condition has been added to ensure that a suitable replacement tree is planted.
- 81 Officer note that the Brockley Society objected to the proposals on the grounds that it would impact the amenity of the garden for both residents and wildlife. The applicant states that attracting wildlife and improving biodiversity is the main consideration underpinning the planting design. As the application concerns a residential garden, an ecological survey is not required for a scheme of this size. Due to the limited size, it is expected that the proposals would be largely neutral in its impacts on biodiversity. In any

### **Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

event, the existing ground cover could be cleared without planning permission. The species planted would be conditioned to ensure that a sufficient quality of biodiversity is achieved.

## 6.6.2 Natural Environment conclusion

82 The proposal would have a neutral impact in terms of the quality of biodiversity and thus is acceptable, subject to conditions.

## 7 LOCAL FINANCE CONSIDERATIONS

83 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).

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

85 The CIL is therefore a material consideration.

86 This application does not attract CIL.

## 8 EQUALITIES CONSIDERATIONS

87 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.

88 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.

89 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.

90 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

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>

91 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

92 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>

93 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

94 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

95 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.

96 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

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

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.

- 97 This application has the legitimate aim of altering the existing garden of the property. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

## 10 CONCLUSION

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

- 99 No change of use would arise from the use of a small part of the rear garden for a parking space used by occupants of the host dwelling, therefore the proposal is acceptable in land use terms. 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 Brockley Conservation Area in terms of design. No unacceptable harm would arise to the living conditions of neighbours, and it would have no appreciable impact upon sustainability, the natural environment or the transport network. Therefore Officers recommend that planning permission should be granted subject to the imposition of suitable planning conditions.

## 11 RECOMMENDATION

- 100 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) DEVELOP IN ACCORDANCE WITH THE APPROVED PLAN

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

Site Location Plan; GR\_PA\_002; GR\_PA\_003-A; GR\_PA\_003-B; GR\_PA\_007.  
**Received 03 September 2021.**

GR\_PA\_008 (Rev A); GR\_PA\_009 (Rev A); GR\_PA\_010-A (Rev A);  
GR\_PA\_010-B; GR\_PA\_011 (Rev A); GR\_PA\_012 (Rev A); GR\_PA\_013-A;  
GR\_PA\_013-B; GR\_PA\_013C. **Received 28 October 2021.**

GR\_PA\_005 (Rev A). **Received 29 October 2021.**

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

**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 development above ground shall commence on site until a detailed schedule and specification/samples of all external materials and finishes 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.

4) SOFT LANDSCAPING

(a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works. The scheme shall include details of a suitable replacement tree adhering to the "right tree, right place" principles

(b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

5) CAR PARKING TO BE ANCILLARY

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the car parking space shall be used for the parking or storage of private motor vehicles only, or, for purposes ancillary to the residential use of the dwelling known as GROUND FLAT, 5 GLENSDALE ROAD, LONDON, SE4 1UE and no trade or business shall be carried on therefrom.

**Reason:** To ensure the car parking space is for domestic use for the dwellinghouse only. The application has been assessed only in terms of this restricted use and any other use may have an adverse affect on the character and amenity of the area and amenity for future occupiers.

**Is this report easy to understand?**

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

## 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.

## 12 BACKGROUND PAPERS

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

## 13 REPORT AUTHOR AND CONTACT

Report author: Max Curson (Planning Officer)

Email: [max.curson@lewisham.gov.uk](mailto:max.curson@lewisham.gov.uk)

Telephone: 020 8314 7219

### Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>