



Planning Committee B

Report title:

209 BARING ROAD, LONDON, SE12 0PX

Date: 01 February 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Grove Park

Contributors: Zahra Rad

Outline and recommendations

This report sets out the officer's recommendation of approval for the above proposal subject to, the conditions and informatives

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

Application details

Application reference number: DC/21/123860

Application Date: 16 Dec 2021

Applicant: ARCCIDESIGNS

Proposal: Construction of a loft extension comprising dormer window extensions to each flank roofslope and one dormer window to the rear roofslope, at 209 BARING ROAD, SE12, together with installation of two rooflights to the front roofslope and two to the rear roofslope.

Background Papers:

- (1) Submitted drawings
- (2) Submitted photos
- (3) Statutory consultee responses

Designation: PTAL 3
Grove Park Neighbourhood Forum
Small Houses in Multiple Occupancy Article 4 Direction

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application relates to a detached property on the North side of Baring Road, at No 209. The property benefits from a large back garden, and an L-shaped rear extension and an original bay window on the rear elevation at the ground floor.

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Character of area

- 2 The area is predominantly residential in nature and comprises of a mix of terraced properties, detached and semi-detached dwellings.



Heritage/archaeology

- 3 The property is not located within a conservation area, nor is it close to a listed building or non-designated heritage asset.

Transport

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- 4 The site falls within PTAL of 3, which represents good access to public transport. Baring Road is within CPZ restriction for parking. There is an existing off-street parking for the site. Train Station is located 0.7km / 9 minute walk from the site.

2 RELEVANT PLANNING HISTORY

- 5 **DC/21/121005** - Lawful development certificate (proposed) in respect of the construction of a part one/ part two storey rear extension at 209 Baring Road, SE12. Refused 22 Apr 2021 for the following reason:
- The proposed development does not comply with the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (as amended), Schedule 2, Part 1, Class A, A.1, (h)(i) as the proposed extension would extend beyond the rear wall of the original dwellinghouse by more than 3 metres.
- 6 **DC/21/120941** - Construction of front porch and a single storey rear extension at 209 BARING ROAD, SE12. Granted 17 May 2021.
- 7 **DC/21/122551** -Construction of a single storey garden outbuilding at 209 BARING ROAD, SE12. Granted 31/08/2021.
- 8 **DC/21/122582** - Construction of a loft extension comprising two dormers to the front, one of each to both side, one dormer to the rear at 209 BARING ROAD, SE12, together with installation of rooflight to the front and two to the rear sloped roof. refused 01/09/2021 for the following reasons:
- The proposed dormers to both sides and to the front by reason of their scale, bulk and design would fail to respect and complement the original form and character and appearance of the host building and wider streetscene, contrary to paragraph 126 and 130 of the NPPF (July 2021); Core Strategy Policy 15 'High quality design for Lewisham' of the Core Strategy (June 2011); and DM Policies 30 'Urban design and local character' and 31 'Alterations and extensions to existing buildings including residential extensions' of the Development Management Local Plan (November 2014); and the provisions of the Alterations and Extensions SPD (2019).

3 CURRENT PLANNING APPLICATION

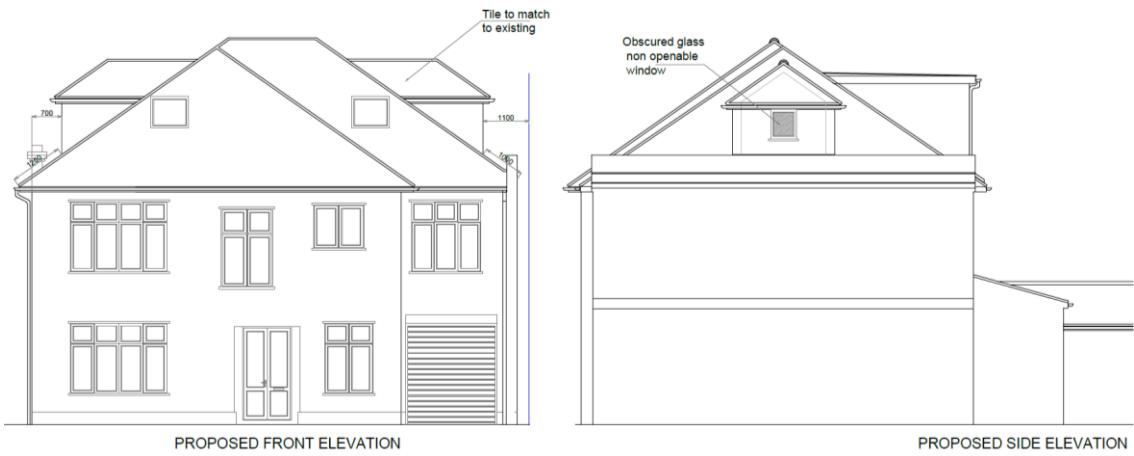
3.1 THE PROPOSALS

- 9 The Proposal is for construction of one dormer to the rear, two dormers to the side, plus roof lights. The dormer to the rear would have a flat roof with a window. The dormers to the side would have gable roofs with an obscure window each. The additional space at the loft would provide two bedrooms and a bathroom and therefore increase the number of bedrooms from 5 to 7.

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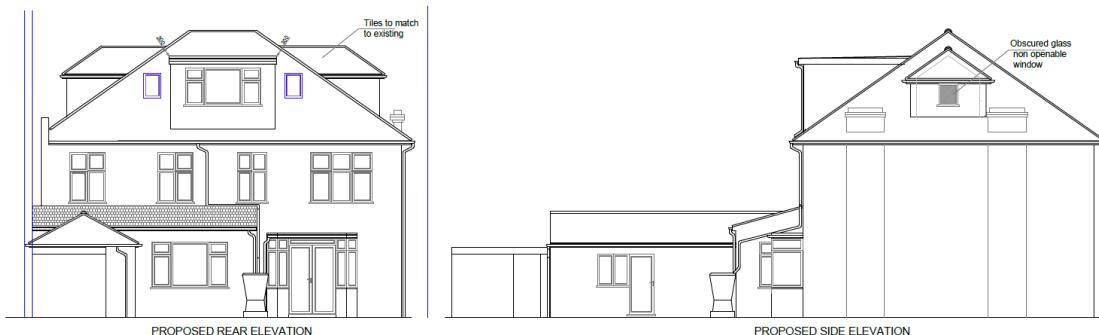
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Drawing 1 Proposed Front and Side Elevations

- 10 The proposed dormer to the rear would have 3.3m width, 2.3m height and 3.6m depth. The side dormers would measure as 2.3m width, 1m height where the highest point of the pitched roof would be 2.1m, and depth of 1.9m.



Drawing 2 Proposed Rear and Side Elevations

- 11 Four rooflights would be installed to the rear and two to the front.
- 12 External dormer walls would be finished with vertical wall tiles, the flat roof and the pitched roof would be roof tiles and windows would be uPVC in white. All materials would match the existing.

3.2 COMPARISON WITH PREVIOUS SCHEME

- 13 The refused proposal under planning application ref DC/21/122582 had two front dormers and larger dormers to the side and rear. The front dormers are removed in the current proposal. The size of the dormer to the rear and to the sides are reduced. The number of roof lights have been increased from 3 to 4 in the current proposal.

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3.3 Revisions

- 14 The rear dormer has been reduced in size in order to set in from the eaves by 0.3m. Also, annotations have been added on the drawings to show the side window would be fixed and obscured.

4 CONSULTATION

4.1 APPLICATION PUBLICITY

- 15 Site notices were published on 21 Oct 2021.
- 16 Letters were sent to residents and business in the surrounding area, the relevant ward Councillors and Grove Park Neighbourhood Forum on 21 Oct 2021
- 17 Three responses were received, comprising three objections

4.1.1 Comments in objection

Comment	Para where addressed
Design	
Beyond a reasonable sized development and will more than double the original footprint of the property	42
Not in keeping with the character of the property, it will look extremely large, bulky and completely out of context to the original house.	42
Will change the original character of the houses to the detriment of Baring Road.	43
Impact on Adjoining Properties	
Two dormers (one on each side) with windows will create overlooking our property and reducing privacy and right to peaceful enjoyment of adjacent garden.	53
Due to extremely limited distance between properties, the ability to make repairs to the roofs and access to the sides of both properties difficult.	54

4.1.2 Comments in support

- 18 None

4.2 INTERNAL CONSULTATION

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

4.3 EXTERNAL CONSULTATION

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

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5 POLICY CONTEXT

5.1 LEGISLATION

21 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).

5.2 MATERIAL CONSIDERATIONS

22 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.

23 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.

24 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

25 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)
- Grove Park Neighbourhood Development Plan (June 2021)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

26 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

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27 London Plan SPG/SPD:

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

6 PLANNING CONSIDERATIONS

28 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

29 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.

30 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LP GG2 (Parts A to C) that should be followed.

6.1.1 Principle of development conclusions

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

32 Objections highlighted the issue of using the property not as a single family dwellinghouse due to the increased number of bedrooms. The change of dwelling to another use class is not part of this application, and it is confirmed by the applicant in an email on 23/10/2021, that the status of the property would remain as existing and the additional rooms would be used by family members.

6.2 URBAN DESIGN

General Policy

33 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.

34 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.

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- 35 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LP GG2 (Parts A to C) that should be followed.
- 36 CSP 15 and 16, DMLP 30, 31, the provisions of the Alterations and Extensions SPD and Grove Park Neighbourhood Development Plan (2018-2033) reflect this and are relevant.
- 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.

6.2.1 Appearance and character

Policy

- 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.

Discussion

- 39 The proposed development, has been assessed regarding the general guidance of sub-paragraphs 5.5 'Loft conversions and roof lights', 5.8 'Rear roof extensions' and 5.9 'Side roof extensions' of the Alterations and Extensions SPD which sets out the following guidance:
- 'Set in from the party wall on each side by at least 0.3m, a minimum of 0.3m below the ridge line, 0.3m from the edge of any hip and at least 0.3m above the existing eaves line'.
 - 'Sited well clear of roof edges.'
 - Set back from the eaves.
 - Set down from the ridge line. This is to ensure that long views are not disrupted'.
- 40 *Rear dormer:* The rear dormer would not be visible from the street frontage. Its location would respect the existing and sets in from ridge and sides, in line with SPD guidance and it is acceptable.
- 41 The proposed window would be similar size and style to the ground floor windows and would retain the existing arrangement.
- 42 *Side dormers:* Two dormers are proposed (one on each side) which would be visible from the main road. They would significantly set in from all directions, are subordinate to the roof and match the existing roof profile. They would keep the sense of symmetry of the original roof and the character and appearance of the host building. It is noted that objections were raised regarding the proposed dormers on the grounds that they would change the original architectural character of the building. Officers acknowledge that the proposed alterations would change the original form of the roof profile, but it should be noted that the property is not in a conservation area, and is not locally recognised as a heritage asset. It should be noted that side roof extensions could be undertaken under permitted development.

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- 43 The proposed side dormers would be visible from Baring Road. Objections were received raising concerns regarding the impact of the proposal on the streetscene. The property benefits from a large front garden and as a result the main building at No 209 is set back from Baring Road by approximately 16m. Also, there are large mature trees to the front of the properties on the public realm. Given the above and in addition, given the style of the proposed side dormers, the proposed materials, and the fact that there is no uniformity of design of properties on Baring Road, and also, as it would keep the symmetry of the detached building, on balance, the impact is acceptable.
- 44 The dormers to the sides, each would have a window serving new bedrooms (bedroom 1 and 2) facing Nos 207 and 2011. The proposed windows would not have an overlooking impact as they would be obscured glazing and fixed, although they would provide day light and sun light.



Photo: 1 Street Scene

- 45 *Rooflights:* the rooflights to the front and rear would have same size and style. The rooflights are assessed by the guidance under sub-section 5.5 of the SPD. The rooflights would set flush of the original roof, and would be set within the middle third of the roof slope. It is noted that on this part of the road, there are properties with rooflights to the front and are visible from the main road. Considering that the site is not in a conservation area, and as a rooflight is a permitted development right the Council would not object to this proposed element.
- Materials:* the proposed materials would match the existing as stated in the application form and on the drawings. However, to ensure the materials would have the exact style and colour a condition would be imposed.
- 46 Objections were raised regarding the potential of over development of the building. The amount of development including the existing rear extension and the out building, due to the size of the property and its open amenity is not considered to be excessive in terms of impact on local amenity and character of the area. Therefore, the proposed loft extension would comply with the relevant guidance in terms of scale, siting, and the use of high quality materials, and is supported.

6.2.2 Urban design conclusion

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

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- 48 Officers conclude that the proposal responds sensitively to its context and the character of the surrounding area and therefore should be approved in terms of its design.

6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 49 NPPF para 126 and 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.
- 50 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).
- 51 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
- 52 The proposed dormer to the rear would not have any adverse impact on the amenity of No 207 and No 211, as it would be sufficiently away from the neighbouring properties.
- 53 The dormers to the sides would be facing Nos 207 and No 211 which would serve bedrooms 1 and 2 at the loft level. However, as the windows would be obscure glazed and a condition would be secured for windows to be fixed and obscure, the side dormers are not considered to have any adverse impact in terms of privacy and overlooking on Nos 207 and 211.
- 54 Objections were received regarding the impact of the dormer on any future maintenance due to the small distance between the properties. The side dormers would be within the curtilage of the main property and would set back from the side eaves (minimum of 1.1m), the dwelling of Nos 207 to 211 are detached and there are gaps between buildings, therefore, it is not expected that accessing the roof from either side would raise any amenity concerns.
- 55 The proposal site backs onto Coopers Lane Primary school at the bottom of a very long back garden and therefore the proposed development is not expected to have any impact on the amenities of neighbours living towards the bottom of the back garden.

6.3.1 Impact on neighbours conclusion

- 56 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.

7 LOCAL FINANCE CONSIDERATIONS

- 57 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

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- 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).

- 58 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 59 The CIL is therefore a material consideration.
- 60 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

- 61 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.
- 62 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.
- 63 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.
- 64 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>
- 65 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

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- 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
- 66 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>
- 9 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

10 HUMAN RIGHTS IMPLICATIONS

- 67 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
- 68 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.
- 69 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.
- 70 This application has the legitimate aim of providing a loft 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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11 CONCLUSION

- 71 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 72 The proposed alterations to the roof are acceptable in terms of scale, form, and design.
- 73 The proposal would have no unacceptable impact on neighbouring properties in terms of overlooking, loss of daylight/sunlight, noise or disturbance.
- 74 In light of the above, it is recommended that planning permission is approved

12 RECOMMENDATION

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

12.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

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

AD/21/BAR 209/PL01 (page 1 of 4); AD/21/BAR 209/PL00 (page 2 of 4);
AD/21/BAR 209/PL00 (page 3 of 4); AD/21/BAR 209/PL00 (page 4 of 4); Photo1;
Photo 2 (received 23 Dec 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) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing in terms of materials and colours.

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

4) The new windows to be installed on both side dormers hereby approved shall be fitted as obscure glazed to a minimum of Level 5 on the 'Pilkington Scale' and fixed shut and retained in perpetuity.

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Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on back gardens and amenity areas of the Development Management Local Plan (November 2014).

12.2 INFORMATIVES

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.

13 BACKGROUND PAPERS

- 76 Submission Drawings and Photos
77 Submission Technical Reports and Documents

14 REPORT AUTHOR AND CONTACT

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