



Planning Committee C

Report title:

2 SENLAC ROAD, LONDON, SE12

Date: 28 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 conditions and informatives

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

Application details

Application reference number:	DC/21/124504
Application Date:	25 Nov 2021
Applicant:	Studio 47 Architects limited
Proposal:	The construction of a two storey one bedroom dwelling house at 2 Senlac Road SE12, together with the provision of a car parking space and bin store.
Background Papers:	(1) Submitted drawings (2) Submitted photos (3) Statutory consultee responses
Designation:	PTAL 1b
Screening:	N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is an existing small builder's yard located on the southern side of Senlac Road close to the junction with Burnt Ash Hill. The site is approx. 140sqm being 14.7m long and 9.5m wide. It was formerly within the curtilage of 197-199 Burnt Ash Hill and was used as a builder's storage yard since the 1930's. The land was formally separated in 2004. The site contains a portacabin used as an office and storage shed and may be used by a plumbing firm.

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Map 1 Site Location Plan

Character of area

- 2 Senlac Road is a residential road characterised by two-storey semi-detached properties set within large plots with fairly large front amenity areas and long rear gardens. The majority of the surrounding properties on the same side of the road have vehicle crossovers and driveways within the front gardens. The site is to the rear of properties fronting Burnt Ash Hill which is characterised by semi-detached and terraced dwellings.



Figure 1 Aerial View of the Application Site

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Heritage/Archaeology

- 3 The property is not within a conservation area, it is not a listed building or a non-designated heritage asset nor is it in the vicinity of one.

Transport

- 4 The site has a PTAL rating of 1b, and on-street car parking is not restricted within the surrounding area. The property has a crossover which provides access to the site from Senlac Road.

2 RELEVANT PLANNING HISTORY

- 5 In 1973, planning permission was refused for an outline application in respect of the construction of a one-bedroom bungalow fronting Senlac Road on land at the rear of 197 and 199 Burnt Ash Hill. Refused for the following reasons:
- The proposed development, by reason of its cramped siting, is considered to be over-development of the site.
 - There is insufficient amenity open space associated with the proposed development, and this would be detrimental to the enjoyment of the dwelling house as such.
- 6 **DC/04/057382/FT** - The construction of a two storey, one bedroom detached house on the site of 2 Senlac Road SE12, together with associated landscaping. Refused and appeal dismissed. 24/04/2006. For the following reasons:
- The proposed development would represent an overdevelopment of this infill site, providing insufficient private amenity space and failing to respect the layout and character neighbouring properties and the area generally (in terms of plot size, layout, design and general appearance) and would result in the loss of outlook, increased enclosure and loss of privacy for occupiers of 197 and 199 Burnt Ash Hill, contrary to policies URB 2 Urban Design, HSG 3 Residential Amenity, HSG 4 Layout and Design of New Residential Development, HSG 5 Gardens and HSG 6 Backland and In-fill Development as contained within the adopted Unitary Development Plan (July 2004).
- 7 The application was subsequently dismissed on appeal (APP/C5690/A/04/1169057) 24th January 2006. The inspector noted that the proposed two storey dwelling would have private amenity space to the side of the house. The narrow width of the property would be out of scale and incongruous in the streetscene and in the context of the spacious streetscene would appear cramped on the plot and squeezed in between the larger existing dwellings.
- 8 Since the appeal decision there has been changes to planning policy in particular with regards to the National Planning Policy Framework, amendments to the London Plan (2021) and in addition, adopting the Council Alterations and Extensions SPD (April 2019). Consequently, all applications will be determined in accordance with the current plans and policies unless material considerations determine otherwise. Therefore, the old decision now carries limited weight.

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- 9 **DC/08/069329/X** - Retention of the existing portable cabin, metal shed store, portable toilet, decking and means of enclosure, serving the industrial site at 2 Senlac Road SE12. Granted 09/06/2011.
- 10 **DC/11/076792/FT** - The retention of a non-illuminated signage on the boundary fence at 2 Senlac Road SE12. Withdrawn 20/07/2011.
- 11 **DC/21/121713** - The construction of a two storey one bedroom dwelling house at 2 Senlac Road SE12, together with the provision of a car parking space and bin store. Refused 23/07/2021 for the following reasons:
- The applicant has failed to provide evidence that the site is incapable of continued use for a purpose within an employment use or Use Class B and would thereby fail to comply with Policy 5 of the Core Strategy (June 2011) and DM Policy 11 of the Development Management Local Plan (November 2014)
 - The proposal would result in a poor standard of accommodation by reason of the less than 75% of the floor to ceiling height meeting minimum ceiling height standards contrary to Policy D6 of the London Plan (March 2021), Policy 15 High Quality Design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Lewisham Development Management Local Plan (November 2014).
- 12 **EC/ 08/00031** - Alleged change of use - porta cabin/ container storing builders/roofing materials without planning permission. Closed 12/012/2008.
- 13 **PRE/20/116715** - Pre-application advice was sought () in June 2020 with regards construction of a two-storey end of terrace dwelling house.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 14 Construction of a two storey 1B/2P detached dwelling to the side of 4 Senlac Road together with the provision of one off street car parking space, cycle and waste storage and hard and soft landscaping.
- 15 The proposed dwelling would continue the front building line of Senlac Road.

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Figure 2 Proposed Front Elevation

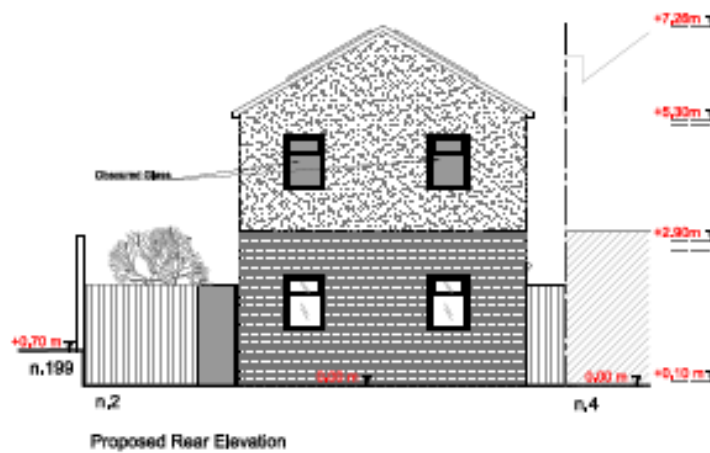


Figure 3 Proposed Rear Elevation

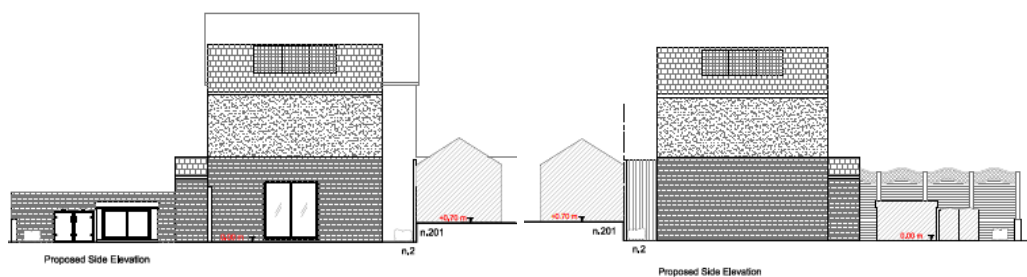


Figure 4 Proposed Sid Elevations

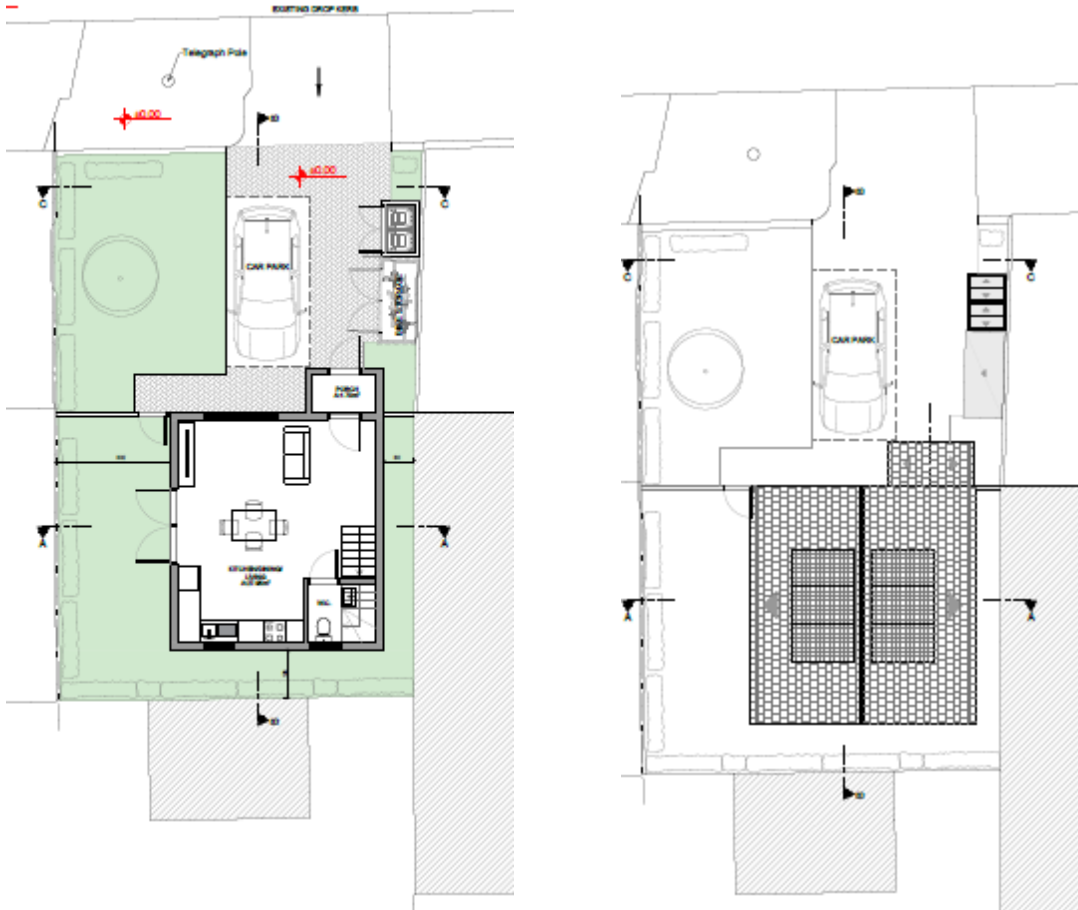
- 16 The proposed property would be a detached dwelling, measuring 7.16m in height with a pitched roof and an eaves height of 5.4m. The front elevation would measure 5.95m in width. The dwelling would have a pitched roof porch 2.1m wide, 1.2m deep and 3m high

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- 17 The proposed dwelling would have a gross internal area of 64.3sqm. One double bedroom will be provided with a separate bathroom and walk in wardrobe at first floor, and an open plan kitchen/living/dining room and WC at ground floor.



Drawing 1 Proposed Ground floor and Roof Plans

- 18 **Materials:** The facing walls would be brick at the ground floor and rendered in finish at the first floor to match existing. Roof would be tiles plus solar panels to both side of the pitched roof, and doors and windows would be double glazed.

REVISED PLANS

- 19 Revised plans demonstrate the difference in levels with the surrounding area. Also, the soft landscaping proportion has been increased from 43% to 66%.

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Figure 5 3D Image of the Proposal from the Front

3.2 COMPARISON WITH PREVIOUS SCHEME

20 The refused proposal under planning application ref DC/21/121713 had 75% ceiling height less than 2.5m. The internal height has been increased within this application to 2.5 at the first floor.

4 CONSULTATION

4.1 APPLICATION PUBLICITY

21 Site notices were published on 15 Dec 2021.

22 Letters were sent to residents and businesses in the surrounding area, the relevant ward Councillors and Grove Park Neighbourhood Forum on 09 Dec 2021

23 Seven responses were received, comprising five objections and two comments of support from adjacent neighbours. permeable

4.1.1 Objection

Objections	Para where addressed
<i>Urban Design</i>	
Development would be dominant and overbearing	59
Does not respect the character and density of the area	64
The ratio of the plot will end with small dwelling, not appropriate to the area	51
Design is poor quality and would not enhance area	59 and 64
No level measure has been provided	19 and 80

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Change of Use	
The site has been being in use for commercial and business purposes on frequent basis.	42
The dwelling would be only house one or two people and so will not be helping to resolve the housing crisis	51
Site should return to a garden or open community space use.	49
<i>Living conditions of neighbours</i>	
Create a greater sense of enclosure	82
Loss of daylight and privacy due to the windows at the kitchen	89
Overshadow and overlooking neighbouring gardens at the back	85 and 89
Replacing a fence with a 6 feet wall would have impact on amenity of the property at the back	87
Subject site is elevated and building would look imposing from neighbouring property	80
Increase in noise levels	88
<i>Other matters</i>	
It will negatively affect business and property value	90

4.1.2 Comments in support

24 The proposal would provide one more dwelling, and would improve the use of the land.

4.2 INTERNAL CONSULTATION

25 Environmental Health comments: Raised no objections, however, recommended to impose a condition in the case of identified contamination on the site during construction. Also, a standard heating boiler should present no problem as long as the outlet flue does not interfere with neighbouring properties amenity.

26 Highway Team: Raised no objections

4.3 EXTERNAL CONSULTATION

27 Grove Park Neighbourhood Forum: No response

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5 POLICY CONTEXT

5.1 LEGISLATION

28 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

29 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.

30 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.

31 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

32 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)
- Site Allocations Local Plan (June 2013)
- Grove Park Neighbourhood Development Plan (June 2021)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

33 Lewisham SPG/SPD:

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- Small Sites Design Guide Supplementary Planning Document (October 2021)

34 London Plan SPG/SPD:

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

6 PLANNING CONSIDERATIONS

35 The main issues are:

- Principle of Development
- Housing
- Urban Design
- Standard of Accommodation
- Impact on Adjoining Properties
- Highway and Transportation

6.1 PRINCIPLE OF DEVELOPMENT

Policy

36 The NPPF at para 130 states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. London Plan Policy GG4, H1, H2, CSP 15, DMLP 30, 31 and the provisions of the Alterations and Extensions SPD reflect this and are relevant.

37 LP Policy GG4 and H1 of the London Plan acknowledges there is a pressing need for more homes in London and that genuine choice of new homes should be supported which are of the highest quality and of varying sizes and tenures in accordance with Local Development Frameworks. Residential development should enhance the quality of local places and take account of the built context, character and density of the neighbouring environment.

38 Policy H10 of the London Plan requires an appropriate mix of unit sizes having regard to the nature and location of the site, with one- and two-bedroom units generally more appropriate in locations which are closer to a town centre or station or with a higher PTAL rating. This is expanded upon in Policies H1 and H2 which states that boroughs should support well designed new homes on small sites; small sites are a component of overall housing targets. Incremental intensification of existing residential areas is expected to play an important role in contributing towards housing targets; for sites within PTAL areas of 3-6 or within 800m distance of a station or town centre; however, the application site does not fit these criteria. Development can take a number of forms such as, new build, infill, residential conversions and redevelopment of existing buildings including non-residential and residential garages where this results in net additional housing provision.

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- 39 Locally, Core Strategy Policy 1 Housing provision, mix, and affordability sets out that housing developments will be expected to provide an appropriate mix of dwellings having regard to criteria such as the physical character of the building and site and location of schools, shops, open space and other infrastructure requirements (such as transport links).
- 40 DM Policy 33 States that if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape. This includes the spaces between buildings which may be as important as the character of the buildings themselves, and the size and proportions of adjacent buildings. Development on these sites must meet the policy requirements of DM Policy 30 (Urban design and local character), and DM Policy 32 (Housing design, layout and space standards)
- 41 DM Policy 33 sets out that infill sites are defined as sites within street frontages such as former builder's yards, small workshops and garages, gaps in terraces and gardens to the side of houses. Infill sites may present urban design problems in harmonising the development with the existing built form.

Discussion

- 42 The site has been used as builder's office and storage site for many years, therefore it has been assessed as a builder's and storage site. This has been confirmed with legal advice.
- 43 The use class of builder's yards is considered as Sui Generis (according to appeal - APP/L263/X/16/3155461) and the portable office within the site would have a Class Use E (g) (i) (formerly B1 use). Therefore, the main planning issue is whether change of use from existing Sui Generis and E (g) (i) to C3 residential use would be acceptable.
- 44 Considering the site has established commercial use, the requirements of DM Policy 11 in sub-paragraph 4 need to be addressed, which states that applications for redevelopment for change to other business uses suitable for a residential area will be approved where:
- a. the site has become vacant for an appropriate length of time and evidence is provided that it is no longer suitable and viable for its existing or an alternative business use by reason of access difficulties or environmental incompatibility, and
 - b that a suitable period of active marketing of the site for re-use/redevelopment for business uses through a commercial agent, that reflects the market value has been undertaken.
- 45 Paragraph 2.77 of the supporting text to DM Policy 11 sets out that "other business sites [outside of Town Centres and Local Hubs] not identified in the policy may have site specific environmental problems, particularly backland sites embedded in residential areas", and in line with the Core Strategy Spatial Policy which supports the provision of quality living environments, residential uses would be supported.
- 46 The applicant has confirmed to Officers in an email that it has been vacant for two years and the owner has been trying to rent the property as a business premises but he has not been able to let it.

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- 47 An objector has mentioned its continuing use to date and indicated the continuity of the commercial use on the site. The applicant has supplied an advertisement and details from Acorn Estate Agents showing rental marketing details for the site since August 2021. The applicant has also provided recent photos and a statement in an email providing evidence of disuse of the site.
- 48 On balance, while detailed marketing evidence is generally required, given the site is embedded in a residential area with environmental issues and in light of the evolving policy context supporting residential development on small sites, and considering the provided marketing evidence generally addresses points 'a' and 'b' of paragraph 4 of DM Policy 11 the change of use from Sui-generis use to residential is acceptable.

6.1.1 Principle of development conclusions

- 49 The site will make a contribution towards meeting housing needs in a sustainable urban location, it is considered suitable for development in principle but whether or not the proposal is acceptable will depend upon other criteria for infill development set out in DM33 and the other policies stated above.

6.2 HOUSING

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. This is reflected in relevant policies of the London Plan, the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

LP GG4, H2 and H3 seeks to increase the housing supply and to optimise housing output.

Core Strategy Policy 15 states that 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. Policy DM 30 of the Development Management Local Plan states that the Council will require all developments to attain a high standard of design.

Discussion

- 50 This section covers: (i) the contribution to housing supply, including density; (ii) the dwelling size mix; (iii) the standard of accommodation.
- 51 The proposed density is considered to be optimal for this site, as it is well connected to the main roads, and public transport whilst being in a sustainable urban location where the density values are within the guidelines set out (70–260 u/ha) in the adopted London Plan. The proposed dwelling would provide a one-bedroom dwelling for 2 persons, which would provide accommodation for a small family, and would contribute to the borough's housing supply and significant weight is given to this in assessment of the proposal.

Summary

- 52 Should the Committee be minded to support the proposed development in principle, it should be noted that the proposed density is considered to be acceptable as it is within the guidelines set out in the London Plan 2021.

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6.3 URBAN DESIGN

General Policy

53 Policy

54 The NPPF at para 130 states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.

55 Lewisham is defined as an Inner London borough in the London Plan. LP 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health

56 London Plan D1, D3, CSP 15, DMLP 30, 31, and the provisions of the Alterations and Extensions SPD reflect this and are relevant.

Discussion

57 The surrounding properties are mainly two-storey semi-detached dwelling in three or four different styles, but all built around the 1920's-30. A number of properties have been extended over the years. Number 4, adjacent to the subject site, is a detached dwelling and a new detached two storey building has recently been built to the side of No.54.

58 *Appearance and character.* The proposed dwelling would be of a fairly simple, traditional style, taking its design cues from the surrounding properties in terms of its use of materials. The roof profile would be similar to the pitch roof at this side of the road. It would be lower than the adjacent property at No 4 Senlac Road and properties at Burnt Ash Hill, therefore would not appear as bulky in the surrounding area.

59 The new dwelling would set back from the main road and its frontage would align with established front elevation line at this side of Senlac Road. The existing wooden fence and gate which are in a poor situation would be removed and a front garden with a brick boundary wall and green space, similar to the existing properties at the southern side of Senlac Road would be provided. The proposal includes landscaping to the front and rear of the property to enhance the street scene and improve the biodiversity of the site. No details have been submitted regarding the hard and soft landscaping being proposed, or if new boundary treatments are being proposed. Should the Council grant permission a condition would be imposed for the details of the landscaping including soft and hard surface.

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Figure 6 Proposed Streetscene from Senlac Road

- 60 Within the proposed scheme, the current hard surface would change and soft landscaping forming 66% of the land which would be open amenity space would be provided, which is welcomed.
- 61 The proposed front elevation would introduce a porch. It is noted that although existing properties on this side of Senlac Road do not have similar porches, Nos 10 to 20 have front projections which incorporate a porch like entrance. Therefore, the proposed front porch would not be an intrusive addition to the street scene, and is considered acceptable.
- 62 The proposed fenestration to the front, side and rear are considered acceptable, and their amenities impact is assessed below.
- 63 *Materials:* The material would match the existing, as shown on the plans and stated on the design and access statement. The dwelling would be built in brick with the first floor rendered to match the prevailing architectural detail of most properties in the road. The roof would be a tiled pitched roof with solar panels on both slopes. No details of Materials have been provided, therefore should the Committee be minded to grant permission, a condition would be imposed in order to secure council's policy to use high quality materials.
- 64 In respect of impact of the proposed scheme on the character of the wider area, and the street scene, the new dwelling is considered to improve the current poor condition and as this area does not benefit from any special architectural character designation and is not within a conservation area, the proposal is acceptable.

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Figure 7 Rear View of the Proposal Site

6.3.1 Urban design conclusion

65 In summary, the proposed dwelling, due to its scale, design and setting, is considered acceptable and would preserve the character and appearance of the streetscene and the wider area.

66 Subject to the above, the proposed dwelling is judged to be acceptable in terms of its design, responding appropriately and sensitively to the site. As such, it is considered that the design of the proposed new dwelling complies with the provisions of Policy 15 of the Core Strategy (2011) and DM Policy 30 'Urban Design and local character' of the Development Management Local Plan (2014).

STANDARD OF ACCOMMODATION

General Policy

67 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. This is reflected in relevant policies of the Publication London Plan (LP D6, the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

68 LP D6 seeks to achieve housing development with the highest quality internally and externally in relation to their context. Minimum space standards are set out in the London Plan 2021.

69 DM Policy 32 'Housing design, layout and space standards and Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These

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policies set out the requirements with regards to housing design, seeking to ensure the long-term sustainability of the new housing provision. In particular DM Policy 32 states that it will assess whether new housing development including conversions provide an appropriate level of residential quality and amenity in terms of size, a good outlook, with acceptable shape and layout of room, with main habitable rooms receiving direct sunlight and daylight, adequate privacy and storage facilities to ensure the long-term sustainability and usability of the homes. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan.

70 The main components of residential quality are: (i) residential quality space; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; and (vi) accessibility and inclusivity.

71 The table below sets out acceptable dwelling sizes.

Type	Criteria	Size	Required		Compliance
			Minimum Internal Area	Gross	
Two storey (including basement), one bedroom dwelling	Dwelling Size (1b2p)	64.3m ²	58m ²		Pass
	Bedroom 1	12.86m ²	11.5m ²		Pass
	Floor to ceiling height	First floor: 2.6m	Min height 2.5m		Pass
		Ground floor: 2.5m	2.m for at least 75%		
Built in storage	6.15 m ²	3.5m ²		Pass	

72 The proposed development would be a 1b2p dwelling with an internal area of approximately 64.3m² which is acceptable. A double bedroom would be at the first floor with a window to the front. The minimum floor to ceiling height would be over 2.5m at the first floor, which meets the London Plan requirements.

73 The ground floor would accommodate, living room and WC with access from the front and side with an internal ceiling height of 2.6m which are in line with the recommended standard and are acceptable.

74 The new dwelling would be a dual aspect dwelling, by having window to the front and rear.

75 Standard 4.10.1 of the Mayor's Housing SPG states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant', therefore the outdoor amenity space proposed would meet the minimum required standard.

6.3.2 Standard of Accommodation conclusion

76 The proposal would deliver a one-bedroom dwellinghouse, with an acceptable standard of residential amenity. It would contribute to the Borough's housing targets in a predominantly residential and sustainable urban location, making the most efficient use of land and optimising density.

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6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 77 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.
- 78 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).
- 79 The Small Sites SPD provides guidance on the acceptable offset distances between existing and new dwellings in the context of small sites.

Discussion

- 80 Objections raised the issue of difference in ground levels, stating that the subject site is 0.8m higher than surrounding ground levels. The applicant has provided details of levels demonstrating that the grounds at No 4 Senlac Road, No 2 Senlac Road and No 197 Burnt Ash Hill are on the same level (Section C-C) and Nos 199 and 201 Burnt Ash Hill are 0.7m higher than the level of 2 Senlac Road (section A-A and B-B) which would be retained as such.
- 81 A daylight and sunlight report is attached, which demonstrates a horizontal 25-degree test in accordance with BRE (2011). The diagrams show the proposed development has no adverse impact on the sunlight/daylight amenities of its neighbours to the sides.
- 82 The front elevation of the proposed dwelling would be largely sited in line with the side boundary shared between 197 and 199 Burnt Ash Hill. As such the front garden, off street parking and bin storage would be sited directly behind No.197 whilst the new dwelling would be sited directly behind No.199. The new dwelling would be set back 3m from the shared boundary. As such, the side elevation of the new dwelling would be approx.17m from the nearest rear windows of No.199. The nearest rear windows in the rear elevation of No.197 are in the single storey rear extension which is approx. 8.5m from the rear boundary. DM Policy 32 requires adequate privacy between new and existing dwellings. As a general rule, unless it can be demonstrated through design, there should be a minimum of 21m between directly facing habitable room windows on main rear elevations. As shown on the plans the site No 199 Burnt Ash Hill are 0.70c higher than the proposed level of 2 Senlac Road. In addition, the side elevation of the proposed dwelling is sufficiently set away from the rear windows of these neighbouring properties and set back within the subject site to mitigate any significant overbearing or creating a sense of enclosure impact and loss of outlook.
- 83 The proposed first floor bedroom windows to the rear elevation would set back 4m from the shared boundary with No.197 and would be sited 90 degrees to this boundary with a view out toward the front of the subject site. As such, there would be no direct overlooking of the rear garden of No.197.
- 84 There are no first-floor windows in the side elevation, so there would be no loss of privacy or overlooking into the garden of No.199. There would be no loss of privacy or

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overlooking to or from the French doors sited in the ground floor side elevation, due to the boundary treatment between the subject site and No.199.

- 85 The rear elevation of the proposed dwelling would be sited 1.2m from the shared boundary with No 201 Burnt Ash Hill. At the ground floor of the proposed development two windows would serve the kitchen and WC, considering the height of fence and the difference level of back gardens with No 201 and the application site, the fenestration on the ground floor is not considered to have any amenity impact on No 201. The first-floor rear windows would serve a bathroom and landing area. These two windows would be obscured as shown on the plans. Should the Committee be minded to grant permission, the rear window at the first floor which serves bathroom would be conditioned to be obscure glazed and non-opening below 1.7m when measured from the internal floor level and the window at the landing area, should be half obscure and non-openable. Consequently, there would be no overlooking or loss of privacy from these windows. It is noted that whilst there would be a level of loss of outlook from the rear windows of No 201, the impact would not be so detrimental to warrant a reason for refusal.
- 86 The proposed dwelling would not protrude beyond the front or rear elevation of this neighbouring property at No 4 Senlac Road, with no windows to the side. The proposal would have no detrimental amenity impact on No.4 in terms of appearing overbearing, loss of outlook, overshadowing, loss of daylight or loss of privacy.
- 87 One objection was raised regarding the height of the boundary fence/wall along the shared boundary with Nos 197 to 201. The fence would replace a 2.6m height existing port a cabin with a 2.2m wooden fence measured from the garden level of No 201 behind the existing shed at No 201. The fence along boundary with No 197 and No 199 would be the same as existing. Along shared boundary with No 4 Senlac Road there is a brick wall where the existing height would be retained. Therefore, the proposed boundary would not have any adverse impact on the amenities on the adjacent neighbouring properties.
- 88 An objection was raised regarding increase in noise levels due to the new building proposal. No long-term adverse noise impacts are likely to arise from the provision of a residential development within a residential area. Officers also note the established is as a builder's yard. However, there is potential for short-term impacts during the construction phase of the proposed development. Therefore, a condition is recommended to secure a Construction Management Plan in order to minimise the impacts of the development which includes the time of works and deliveries relating to the construction phase, mitigating for any adverse impact with regards to noise, dust and other forms of pollution.
- 89 In light of the above, the proposed development is considered not significantly impact neighbours in terms of being overbearing, loss of outlook, loss of privacy and overlooking. The submitted Daylight and Sunlight study demonstrates a daylight/sunlight test in accordance with BRE (2011). The diagrams show that the potential impact of overshadowing is compliant with BRE standards.
- 90 In addition, concerns were raised regarding the impact of the proposed development, causing change of the value of neighbouring properties. This is not a planning consideration.

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6.4.1 Impact on amenities of neighbours; Conclusion

- 91 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.

Highway

General policy

- 92 LP T1 sets out the Mayor's strategic integration of land use and transport. LPT4 requires transport assessments to be submitted with development proposals when required in accordance with national or local guidance, to ensure any impacts are fully assessed. No transport assessment is required for this application due to the scale of the proposed development.
- 93 LP T6 states that car-free developments should be the starting point for all development proposals in places that are well-connected to public transport.
- 94 CSP 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

Discussion

- 95 Under the Policy T6 of the London Plan the maximum allowance is 0.75 spaces per household for a new dwelling in Inner London with a PTAL of 1b. The proposal includes one off street parking space to the front of the dwelling. Whilst this is technically an over provision of off-street parking, the scheme proposes a single unit and the parking arrangement would mirror all other dwellings in the road which have off street parking provision. Highway Officer raised no objections to retaining the existing crossover, and bay parking to the front garden.

Cycle storage

- 96 Under the Policy T5 of the London Plan, secure covered cycle parking should be provided at a minimum rate of 1.5 spaces per 2-person 1 bedroom dwelling. As such, a dwelling of the proposed scale must provide 2 secure, covered and step free cycle parking spaces. The proposal includes secure and covered cycle parking spaces, however should the Committee be minded to grant permission, details of cycle parking arrangements would be secured by a condition.

Refuse

- 97 Two bins would be provided to the front of the site. One for waste and one for recycling. The provision and siting of bins storage is considered acceptable.

Summary

- 98 The proposal would have an acceptable impact on transport and accommodating the sites servicing needs, subject to conditions.

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7 LOCAL FINANCE CONSIDERATIONS

99 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).

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

101 The CIL is therefore a material consideration. The applicant has completed the relevant form.

8 £12,000 Lewisham CIL is estimated to be payable on this application, subject to any valid applications for relief or exemption. This would be confirmed at a later date in a Liability Notice.

9 EQUALITIES CONSIDERATIONS

102 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.

103 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.

104 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.

105 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

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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>

- 106 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
- 107 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>
- 108 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

- 109 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
- 110 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.
- 111 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.

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112 This application has the legitimate aim of providing a single dwelling. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

11 CONCLUSION

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

114 The proposed scheme would be supported in principle, its design, bulk and setting, and it would not have any unacceptable impact on neighbouring properties in terms of overlooking, loss of daylight/sunlight, noise or disturbance. In addition, the proposed scheme would have an acceptable impact on transport and accommodating the sites servicing needs.

115 In light of the above, it is recommended that planning permission is approved

12 RECOMMENDATION

116 That the Committee resolves to GRANT planning permission subject to the following conditions and informative:

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:

Daylight And Sunlight; Design & Access Statement Planning Statement (received 25 Nov 2021)

20200416-PL01 Rev R02; 20200416-PL02 Rev R01; 20200416-PL03 Rev R02; 20200416-PL04 Rev R02; 20200416-PL05 Rev R02; 20200416-PL06 Rev R02; 20200416-PL07 Rev R02; 20200416-PL08 Rev R00; Site Location Plan (received 28 Jan 2022)

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 development above ground shall commence on site until a detailed schedule and specification and samples of all external materials and finishes, windows and

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external doors, roof coverings, other site-specific features to be used on the building have been submitted to and following a site visit, 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) No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-
- (a) Rationalise travel and traffic routes to and from the site.
 - (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
 - (c) Measures to deal with safe pedestrian movement.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

- 5) (a) Prior to first occupation, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority.

(b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.

(c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

- 6) No extensions or alterations to the new and the existing buildings hereby approved, whether or not permitted under Classes A-F of Article 3 to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

Reason: In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

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- 7) (a) No development (above ground level / beyond the superstructure) shall commence until details of proposals for the storage of refuse and recycling facilities at the new dwelling have been submitted to and approved in writing by the local planning authority.

(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

- 8) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 first floor bathroom window to the rear hereby approved shall be fitted as obscure glazed to a minimum of Level 3 on the 'Pilkington Scale' and non-opening below 1.7m when measured from the internal floor level, and the first-floor window at landing area should be half obscure and openable and so retained in perpetuity.

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 infill sites and amenity areas of the Development Management Local Plan (November 2014).

- 9) (a) No demolition or development, except where enabling works for site investigation has been agreed by the local planning authority shall commence until:-

(i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.

(ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.

(iii) The required remediation scheme implemented in full.

(b) If during any works on the site, contamination is encountered which has not previously been identified ("the new contamination") the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

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- (c) The development or phase of development shall not be occupied until a closure report for the development or phase has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Section (a) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with DM Policy 28 Contaminated Land 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

- 117 Submission Drawings and Photos
118 Submission Technical Reports and Documents

14 REPORT AUTHOR AND CONTACT

- 119 Zahra Rad (Planning Officer)

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