



## Planning Committee B

### **153 SYDENHAM PARK ROAD, LONDON, SE26 4LP.**

**Date:** 12 April 2022

**Key decision:** No.

**Class:** Part 1

**Ward(s) affected:** Sydenham

**Contributors:** Estelle Pengelly

### **Outline and recommendations**

This report sets out the officer's recommendation of approval for this planning application, subject to conditions. The case has been brought before members for a decision as one objection was received from the Sydenham Society.

## Application details

**Application reference number(s):** DC/21/124773

**Application Date:** 15 December 2021

**Applicant:** Kalaitzaki

**Proposal:** Construction of a hip to gable extension and roof extension in the rear roof slope incorporating a Juliet balcony at 153 Sydenham Park Road SE26, together with the installation of 3 roof lights in the front roof slope.

**Background Papers:** Submission Drawings  
Consultee Responses

**Designation:** PTAL 3

**Screening:** N/A

## 1 SITE AND CONTEXT

### *Site description and current use*

- 1 This application relates to an end of terrace property on the southern side of Sydenham Park Road at No. 153. The property benefits from a back garden and a single storey rear extension. The property is not located within a conservation area, nor is it close to a listed building. The property adjoins Cobb's Corner Conservation Area at the rear.

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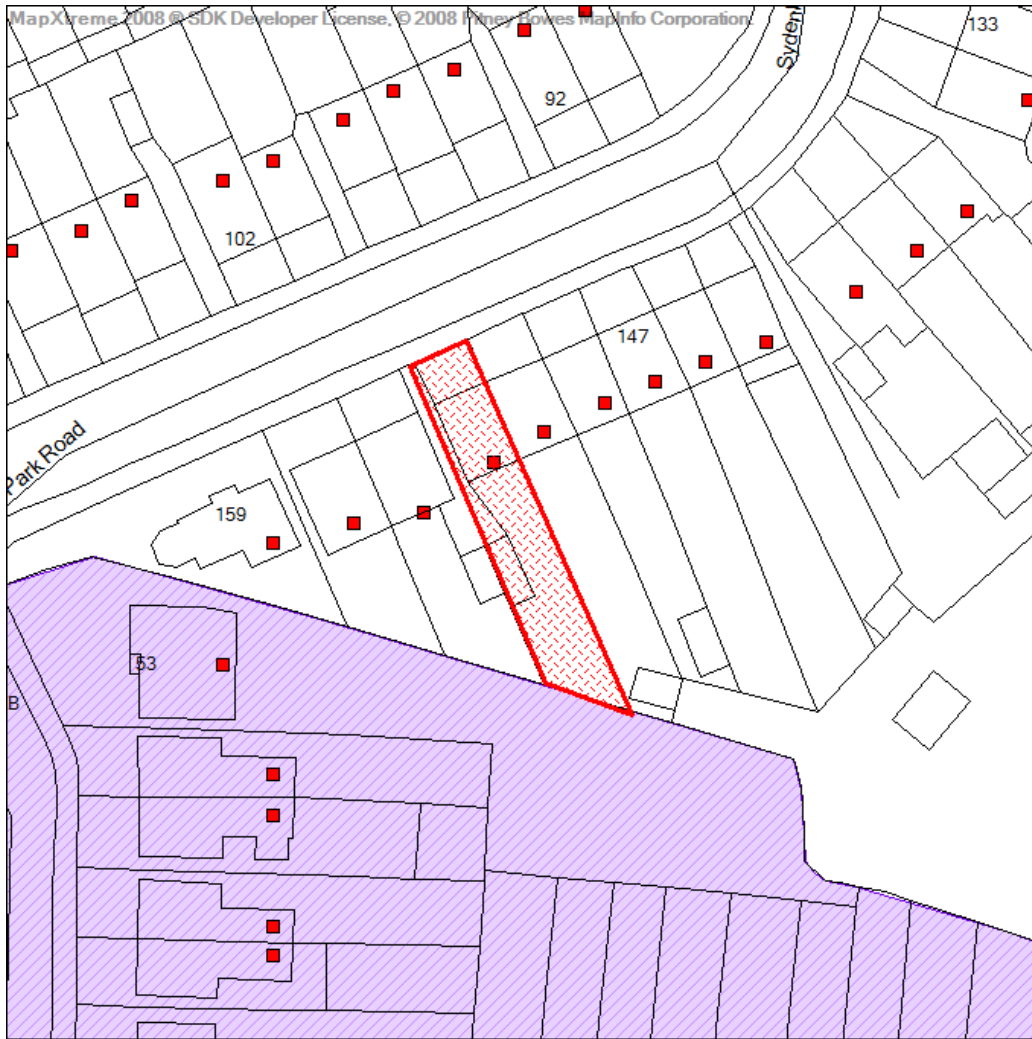


Figure 1: Site Plan

***Character of area***

- 2 The surrounding area is predominantly residential in nature comprising of terraced and semi-detached properties.

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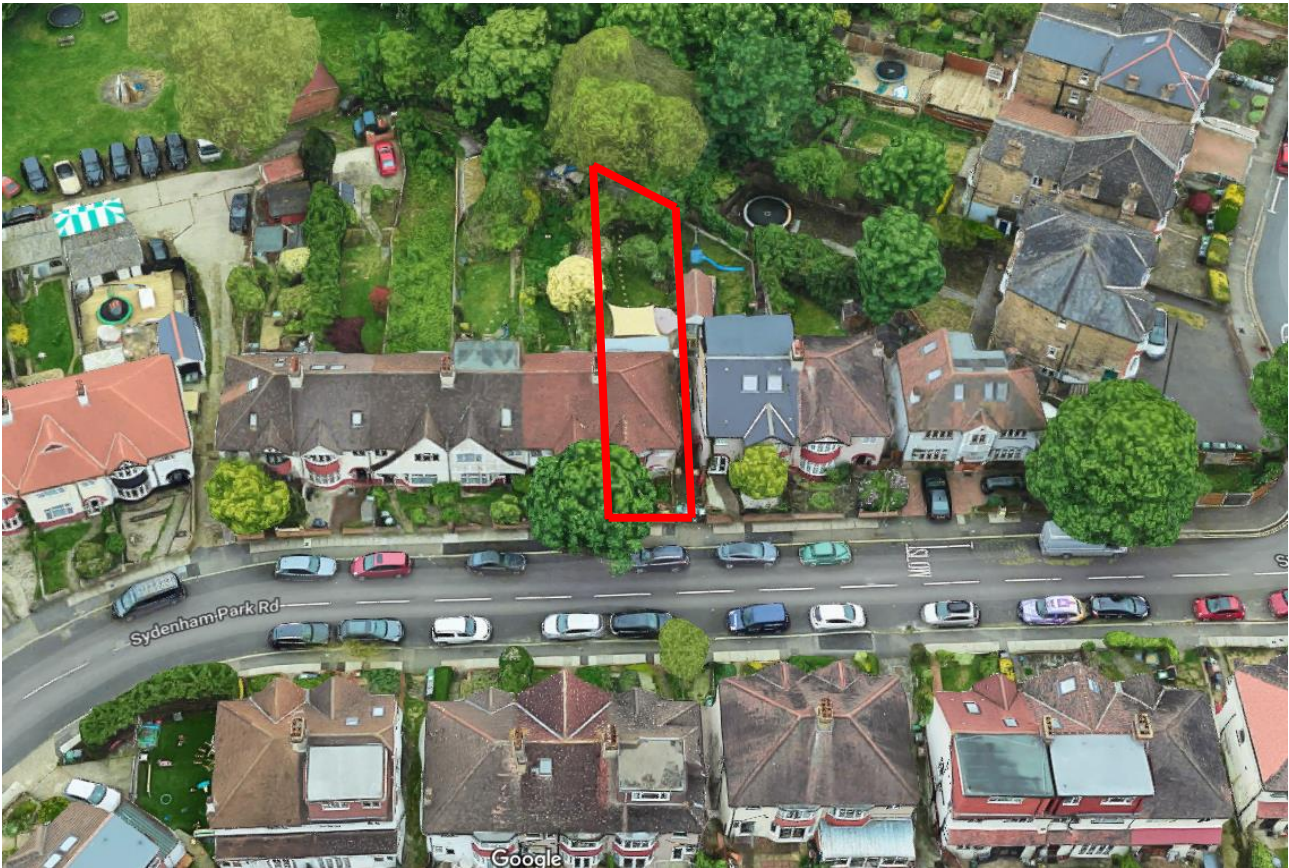


Figure 2: Aerial View

### ***Surrounding area***

- 3 The application site's adjoining neighbour (at No. 155) has a hip to gable and rear roof extension, similar to the current proposal for the application site. The neighbouring property also adjoins Cobb's Corner Conservation Area at the rear.

### ***Transport***

- 4 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.

## **2 RELEVANT PLANNING HISTORY**

- 5 DC/14/090128 – The construction of a single-storey extension to the rear of 153 Sydenham Park Road SE26. Outcome: Granted.

## **3 CURRENT PLANNING APPLICATION**

### **3.1 THE PROPOSALS**

- 6 The proposal is for the construction of a hip to gable roof extension and rear roof extension at 153 Sydenham Park Road SE26. The proposed rear roof extension would

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be 4m deep, 5.6m wide and 2.9m high. The proposal also includes the installation of 3 rooflights in the front roof slope and a new window in the side elevation at loft level.

7

The proposal includes the replacement of the existing roof tiles with slate tiles to the rear and front roof slope. The materials for the dormer would be slate tiles to the walls and an anthracite grey window and composite sliding door with a glass Juliette balcony to rear elevation. The proposed window in the side elevation at loft level would be white composite, non-openable and obscure glazed. The gable wall would be pebbledash render.

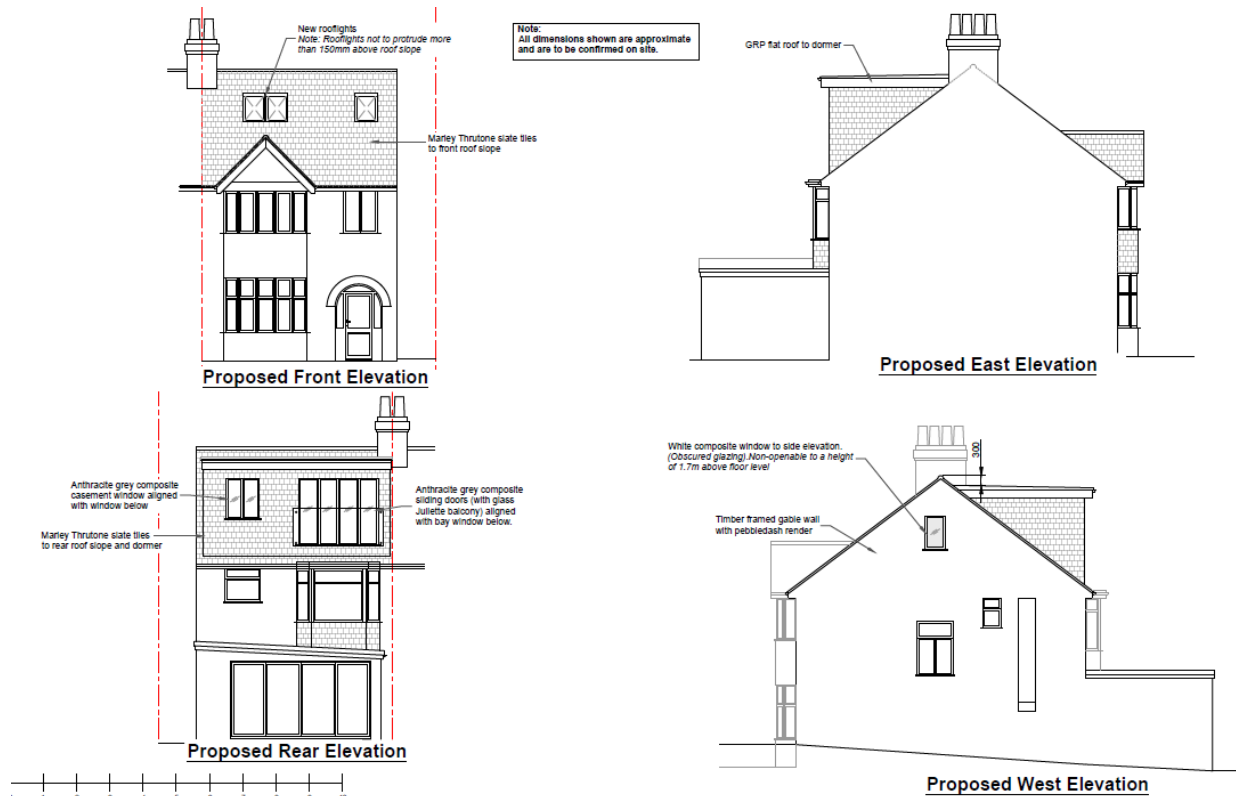


Figure 3: Proposed elevations

## 4 CONSULTATION

### 4.1 PRE-APPLICATION ENGAGEMENT

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

### 4.2 APPLICATION PUBLICITY

9 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 23 December 2021. A letter was sent to No. 151 Sydenham Park Road on 10 February 2022. A press notice was published on 12 January 2022.

10 Two responses were received, comprising of two objections.

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#### 4.2.1 Comments in objection (neighbour)

Comment	Para where addressed
The proposed hip to gable side extension and roof extension at 153 will have a detrimental impact on the conservation area and character of the area.	Para 31
Loss of daylight and sunlight	Para 45
The roofing materials proposed (Marley Thrutone Slate tiles) will not match the existing terracotta tiles. The use of black slate effect tiles will impact the appearance and street scene of Sydenham Park Road.	Para 36
Loss of sense of openness	Para 34

The following comment was made:

- 11 The possible existence of bats and other wildlife should also be considered. Officer comment: this issue is not relevant given the nature of the application.

#### Comments in objection (Sydenham Society)

Comment	Para where addressed
The proposed hip to gable side extension would appear disproportionate, be an incongruous addition and highly visible from the public realm.	Para 31
Proposed roof material would be out of character	Para 36
Proposed hip to gable would be an unneighbourly element which, by reason of its excessive height, would result in an overbearing visual impact on the amenity of residents of 151 Sydenham Park Road. Would be overshadowing and create a sense of enclosure	Para 46
Loss of daylight and sunlight	Para 45
Overlooking	Para 44
Loss of openness	Para 34

The Sydenham Society made the following comments:

- 12 The Sydenham Society requested a condition to be added stating that the materials should remain terracotta tiles and that a daylight survey should be provided by the applicant. Officers note that a daylight/sunlight assessment is not required for a proposal of this scale and a planning condition cannot amend proposed materials.

#### 4.3 INTERNAL CONSULTATION

- 13 Conservation Officers: No comments received.

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## 4.4 EXTERNAL CONSULTATION

14 No External Consultees were notified given the nature of the application.

## 5 POLICY CONTEXT

### 5.1 LEGISLATION

15 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

16 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.

17 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.

18 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

19 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)

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## 5.5 SUPPLEMENTARY PLANNING GUIDANCE

20 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

## 6 PLANNING CONSIDERATIONS

21 The main issues are:

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

### 6.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

22 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.

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

#### 6.1.1 Principle of development conclusions

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

### 6.2 URBAN DESIGN

#### *General Policy*

25 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.

26 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.

27 DMLP 30 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.

28 DMLP 31 states that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area.

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## 6.2.1 Appearance and character

### *Discussion*

- 29 The Alterations and Extensions SPD guidelines state that rear roof extensions should be 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. If neighbouring roofs have already extended their rear roof significantly, the proposed roof form should take this into consideration to ensure it does not contribute to a group of mismatched roof forms. The arrangement of windows within the rear of the extension should relate to the arrangement on lower floors.
- 30 The proposed rear roof extension requires the roof form to be amended from hip to gable. The rear roof extension would be set back 0.3m from the eaves and set down 0.3m from the ridge. It would be set in 0.2m from the proposed gable roof and 0.05m from the neighbour at No. 151. The rear roof extension would have sliding doors with a glass Juliette balcony and a window in the rear elevation. A window is also proposed for the side elevation of the proposed gable roof.
- 31 The proposed rear roof extension does not technically comply with the SPD guidance in terms of the required set in from the proposed gable roof or set in from the neighbouring boundary with No. 151, however, due to its sufficient set down from the ridge and set back from the eaves, and the fact that the Juliet balcony, door and window would be in line with the windows at first floor level, Officers consider that the proposed rear roof extension would not result in significant harm to the appearance of the host property. Officers note that Nos. 104, 155, 88, 125, 119 and 103 have similar roof amendments and extensions and therefore gable ended roofs and large rear roof extensions are a characteristic of the surrounding area. For these reasons, Officers consider that the proposed hip to gable roof alteration and rear roof extension would not harm the surrounding area and therefore the proposed roof extensions are considered acceptable.
- 32 The SPD guidelines state that roof lights should be subordinate features on the roof and align with windows or other features on the elevations below. Rooflights should ideally be set flush but in any case should not extend more than 150mm above the slope of the original roof.
- 33 The three rooflights in the front roof slope would be at the same height and be subordinate features on the roof and align with the windows and features on the elevations below. The proposed rooflights are therefore considered acceptable.
- 34 Concerns were raised from the objectors regarding the loss of openness the hip to gable roof extension would cause due to the neighbour at No. 155 already benefitting from a gable roof extension. Officers acknowledge that the two adjoining gable ended roofs would impact the openness to some degree, however, the impact the hip to gable roof extension would have on the openness of the area is considered to be negligible due to the strong precedent of hip to gables in the area. It is noted that a hip to gable roof extension could be achieved under permitted development at the application site.
- 35 The proposed window in the side elevation at loft level is considered acceptable.
- 36 The proposed materials are acceptable as the property is not located within a Conservation Area. The street scene comprises of various roof materials. No. 155 has a roof material similar to the proposal and therefore the proposed materials are not considered to be unacceptable such as to warrant a reason for refusal on these grounds.

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37 The property adjoins the Cobb's Corner Conservation Area at the rear. Officers consider that the proposal would not cause harm to the Conservation Area due to the layout and size of the rear gardens, the tree cover in the area and the fact that the proposed extensions would not be visible from the public realm of the Conservation Area. As no harm arises, a balancing exercise with regard to heritage is not required.

#### *Summary*

38 The design of the rear roof extension due to its set down from the roof ridge and set back from the eaves, is considered to be of an acceptable scale, and on balance considering the characteristics of the area, the roof extensions are acceptable and supported.

### **6.2.2 Urban Design Conclusion**

39 The proposed scheme would preserve the character and appearance of the host dwelling and would not adversely impact the street scene. Officers conclude that the proposal responds to its context and surrounding area and is therefore acceptable in terms of its design.

## **6.3 LIVING CONDITIONS OF NEIGHBOURS**

#### *General Policy*

40 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 185 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

41 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).

42 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.

43 Daylight and sunlight are generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context. Due to the nature of the proposal a daylight and sunlight assessment was not required as the impact on daylight and sunlight could be assessed without it by planning Officers.

#### *Discussion*

44 The proposed rear roof extension is not considered to have an unacceptable impact on neighbouring amenity. Officers acknowledge that the window and Juliet balcony at the rear will nominally overlook the neighbours' rear gardens, but consider that the outlook would be similar to that of the existing first floor windows. There would therefore not be a substantial increase in overlooking or loss of privacy. The new window in the side elevation at loft level is not considered to have any impact on the neighbour at No. 155 as the window will be obscure glazed and non-openable to a height of 1.7m above floor level. The proposed scheme is therefore not considered to have an unacceptable impact with regards to overlooking or loss of privacy.

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- 45 The proposed amendments and additions to the roof would not cause an unacceptable loss of daylight on the neighbours as the properties are facing north with the proposed dormer facing south.
- 46 The proposed roof extensions are not considered to be overbearing or create a sense of enclosure to its neighbours as the extensions would remain within the footprint of the host dwelling.

#### *Summary*

- 47 On balance, the proposed scheme would not have any adverse impact on the amenities of its neighbours, in terms of creating a sense of enclosure, impact on privacy or impact on daylight/sunlight and is therefore acceptable.

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

- 48 The proposed development would not introduce any unacceptably harmful impacts to the living conditions of any of the neighbouring properties and therefore would be compliant with LPP D3, CSP 15 and DMP 31.

## **7 LOCAL FINANCE CONSIDERATIONS**

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

- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

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

- 51 The CIL is therefore a material consideration.

- 52 This application is householder development and does not attract a CIL charge.

## **8 EQUALITIES CONSIDERATIONS**

- 53 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 54 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;

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- foster good relations between people who share a protected characteristic and persons who do not share it.

55 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

56 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

57 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

58 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

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

## 9 HUMAN RIGHTS IMPLICATIONS

60 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence

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- Protocol 1, Article 1: Right to peaceful enjoyment of your property

61 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

62 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

63 This application has the legitimate aim of providing alterations to the existing building. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

## 10 CONCLUSION

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

65 The proposed additions to the roof are acceptable in terms of scale, form, and design.

66 The proposal would have no unacceptable impact on neighbouring properties in terms of overlooking, loss of daylight/sunlight or creating a sense of enclosure.

67 In light of the above, it is recommended that planning permission be granted.

## 11 RECOMMENDATION

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

### 11.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

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

P001; P002; P003; P004; P006; Site Location Plan (Received 15 December 2021).

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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) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new window to be installed in the western side elevation at loft level hereby approved shall be fitted as obscure glazed to a minimum of Level 3 on the 'Pilkington Scale' and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

**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 of the Development Management Local Plan (November 2014).

## 11.2 INFORMATIVES

- 1) Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.
- 2) The Applicant is reminded that if bats are found during construction, the Applicant is legally obligated to stop construction and seek immediate advice.

## 12 BACKGROUND PAPERS

- |    |                     |
|----|---------------------|
| 69 | Submission Drawings |
| 70 | Consultee Responses |

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## 13 REPORT AUTHOR AND CONTACT

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