



Planning Committee C

92 Guibal Road, SE12 9LZ.

Date: 26 April 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Grove Park

Contributors: Amanda Ghani

Outline and Recommendations

The report has been brought before committee for a decision due to the submission of 4 objections from neighbouring properties, with a recommendation that the Committee resolve to grant planning permission subject to the attached conditions and informatives.

Application details

Application reference number(s): DC/22/125126

Application Date: 17/01/22

Applicant: Mr D Barrett

Proposal: Demolition of the existing double garage at No. 92 Guibal Road, SE12 and subdivision of the plot and the construction of 1 x 4 bedroom dwelling with separate access, landscaping, car parking, cycle and bin storage.

Background Papers: (1) Submission drawings and documents

Designation: PTAL 1b, local open space deficiency.

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 On the subject site there is a two-storey, semi-detached single family dwelling with a separate garage to the side. The property is on the western side of Guibal Road.
- 2 The site is not within a conservation area, but it is subject to the small HMO Article 4 Direction that has removed permitted development rights for change of use from C3 to C4 use. The site is within a PTAL 1b area and as such, has very poor access to public transport and amenities. It is also within an area with a deficiency of local open space.

Character of area

- 3 The area is residential in character and consists of detached and semi-detached large dwellings built during the first half of the 20th Century. Whilst building designs and configurations vary, there is an overarching approach to the style and fashion of the period which has established a reasonably cohesive feel and building line within the road. All of the properties benefit from good sized front gardens and generous back gardens. The majority of dwellings have garages and/or off street parking.

Surrounding area

- 4 Horn Park is approximately 400m to the north of the site and is within walking distance.

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2 RELEVANT PLANNING HISTORY

5 None

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 6 The application is for the construction of a two-storey (with roof space) 4b7p dwelling house. The dwelling house would be sited to the side of 92 Guibal Road on its existing garage site. Refuse and recycle storage would be situated to the front of the site. One off street parking space is proposed as part of the development.
- 7 The proposed dwelling would in total measure 12.25m deep, including the single storey rear element at 2.8m deep. The dwelling would have pitched roof with a maximum height of 8.4m and an eaves height of 5.6m. The width of the dwelling on the front and rear elevations is 6.45m. The dwelling would feature front and rear gables.
- 8 The dwelling would follow the front building line of Nos.92-94, being set back 8.1m from the pavement and would be built up to the boundary with No.88 and set back 2m from the side elevation of No.92.

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4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

9 (PRE/21/122027) The applicant sought a pre-application meeting in November 2021 with officers regarding sub-division of the existing plot and the construction of a detached four-bedroom dwelling. This was a concept meeting with only the principle of a new dwelling being considered.

4.2 APPLICATION PUBLICITY

10 A site notice was displayed on 26th January 2022.

11 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 21st January 2022.

12 4 number responses received, comprising 4 objections

4.2.1 Comments in objection

| Comment | Para where addressed |
|---|---|
| House appears contrived and harmful to the character of the road. | Para.62 |
| Plot width is less than half the width of any other house in the road. | Para.63 |
| Overdevelopment of site. | Para.61 |
| Traffic on Guibal Road is dangerous as there are no traffic controls. | Para.86 |
| Poor design quality | Para.63-69 |
| The proposal would be better if both garages at Nos.88 & 90 were being demolished and built on as it would centre the new dwelling. | Officers are only able to assess the proposal as submitted. |

13 One other comment was also raised as follows:

14 Proposal will devalue existing neighbouring properties

4.3 INTERNAL CONSULTATION

15 The following internal consultees were notified on 21st January 2022.

16 Highways: No comments received.

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4.4 EXTERNAL CONSULTATION

17 The following External Consultees were notified on 21st January 2022.

18 Grove Park Neighbourhood Forum: No comments received.

5 POLICY CONTEXT

5.1 LEGISLATION

19 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

20 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.

21 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.

22 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

23 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)
- Grove Park Neighbourhood Plan (August 2021)

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5.5 SUPPLEMENTARY PLANNING GUIDANCE

24 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Small Sites SPD (October 2021)

25 London Plan SPG/SPD:

- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Housing (March 2016)

6 PLANNING CONSIDERATIONS

26 The main issues are:

- Principle of Development
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development
- Natural Environment

6.1 PRINCIPLE OF DEVELOPMENT

General policy

27 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.

28 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.

29 Lewisham is defined as an Inner London borough in the London Plan, which 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.

30 DM Policy 1 of the Development Management Local Plan states that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean

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that proposals secure development that improves the economic, social and environmental conditions of the borough.

- 31 The Core Strategy (CSP) recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan (LPP) at Policy H1 increases Lewisham's ten-year (2019/20 - 2028/29) housing target at 16,670, or 1,667 as an annualised average. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need.
- 32 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), DM Policy 32 (Housing design, layout and space standards) and DM Policy 25 (Landscaping and trees).
- 33 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.
- 34 The site is also considered 'street extension infill development' in the Small Sites SPD.

Discussion

- 35 As an area of land with a street frontage, the application site represents an infill site and as such would need to adhere to the criteria as set out in the policy.
- 36 Furthermore, the Small Sites SPD in chapter 26 states that gaps between existing houses provide an ideal opportunity for new homes whilst also enabling the streetscape to be repaired. These often occur on plots of land which are partially occupied by an existing property.
- 37 The principle of residential development which would also achieve the wider benefit of providing an additional home within the Borough is considered a planning merit. As such, the principle of development is acceptable.

6.1.1 Principle of development conclusions

- 38 In summary, officers raise no objection to the principle of development, subject to matters including design, standard of accommodation, neighbour impact and highways.

6.2 HOUSING

- 39 National and regional policy promotes the most efficient use of land.

6.2.1 Residential Quality

General Policy

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- 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. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).
- 41 LPP D6 requires new homes to meet specific space and other standards. In addition, DMP 32 requires all new residential developments to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy.
- 42 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children’s play space.

Internal and external space standards

Policy

- 43 The Technical Housing Standards (2015), Mayors Housing Supplementary Planning Guidance (SPG), London Plan Policy D6 and DM Policy 32 set out or make reference to the minimum space standards required for amenity space to achieve housing development that provides the highest quality of space externally in relation to its context. LPP D6 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’

Discussion

- 44 The table below sets out proposed dwelling sizes.

Table [a]: Internal space standards – proposed v (target)

| No of bedrooms | No. of persons | 3 storey dwelling (proposed (target)) | Built-in storage (proposed (target)) |
|----------------|----------------|---------------------------------------|--------------------------------------|
| 4b | 7p | 135 (121) | 3 (3.0) |

- 45 Officers note the gross internal floor area of 135sqm exceeds minimum space standards for a 4b7p unit. The proposal also meets the requirements of LP Policy D6 in terms of individual bedroom sizes.
- 46 The floor to ceiling heights of the dwelling would meet or exceed the 2.5m minimum requirement for new dwellings.
- 47 The proposal includes vertically dividing the existing rear garden, which would provide 267sqm of private rear outdoor space for the new dwelling and the retention of 395sqm of the garden for the occupiers of No.92. The proposed private amenity space for the dwelling exceeds the minimum requirement in accordance with LP Policy D6 and both properties would have access to sufficient useable outdoor areas.

Outlook & Privacy & Overheating

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Policy

- 48 LPP D1(8) requires development to achieve appropriate outlook, privacy and amenity
- 49 DMLP Policy 32 expects all new units to provide a satisfactory level of privacy, outlook and natural lighting for future residents, which is also supported by the Mayors Housing SPD. Furthermore, the London Plan Policy D6 requires the highest standards of sustainable design and construction to be achieved, including the avoidance of single-aspect units.
- 50 London Plan Policies D6 and SI 4 seek to avoid internal overheating through design, layout, orientation, materials and the incorporation of green infrastructure. The Mayors Housing SPG also demonstrates that development proposals should achieve an appropriate design of dwellings to avoid overheating without heavy reliance on energy intensive mechanical cooling systems

Discussion

- 51 The main habitable rooms are orientated to the front (north-eastern) and rear (south-western) facades with fenestration to allow daylight and sunlight into the rooms.
- 52 The dwelling would benefit from a good level of privacy, being suitably set back from the public realm. The dwelling would be dual aspect which is considered sufficient to avoid unacceptable overheating.

Daylight and Sunlight

Policy

- 53 DM Policy 32 (1)(b) expects new development to provide a satisfactory level of natural lighting for its future occupiers
- 54 Daylight and sunlight are generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.
- 55 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens.

Discussion

- 56 No daylight/sunlight assessment has been provided; but it is not considered necessary for this scheme given its modest scale and the benefits already identified, namely the unit being double aspect. As such, officers consider the daylight and sunlight levels to be acceptable.

6.2.2 Housing conclusion

- 57 Overall the proposed development would provide a good standard of residential accommodation in compliance with LP Policy D6 and DMLP 32.

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6.3 URBAN DESIGN

General Policy

- 58 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.
- 59 LPP D3, CS Policy 15 and DMLP DM30 requires that all new developments provide a high standard of design and should respect the existing forms of development in the vicinity. The Small Sites SPD is relevant to the current application and is considered 'street extension infill development'.

6.3.1 Appearance, character, form and scale

Policy

- 60 LP Policy D3 requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate for of development that responds to a site's context and capacity for growth.

Discussion

- 61 The proposed dwelling would occupy the space where the existing garage belonging to 92 Guibal Road is sited. The siting of the dwelling between Nos. 88 and 92 would diminish the open spatial quality that exists at present above the garages, however some space between the existing and new dwelling would be retained. The perceived visual harm to the existing sense of openness is not considered so harmful to warrant reason for refusal. Furthermore, the proposal is considered to make good use of the land and follows the design-led approach for optimising site capacity as set out in LP Policy D3.
- 62 The proposed dwelling would adhere to the established front building line and would be the same height as the adjacent properties. Whilst the width of the proposed dwelling would be narrower than many of the properties in this part of Guibal Road; the proposal does achieve a well-proportioned and generously sized family home. The proposed dwelling would not replicate any of the existing dwellings, however, design cues have been taken from buildings in the immediate vicinity in terms of the inclusion of a front roof gable, double height front window bay and porch.
- 63 The proposed dwelling is set back 2m from the side elevation of No.92 and set back 5m from the side elevation of No.88. The dwelling would abut the side elevation of this neighbour's garage; however, there would be visible spaces between the proposed dwelling and its adjacent neighbours when viewed from the public realm. The height, form and scale of the proposal would create a positive relationship to the existing urban typology of the area and the existing street scene and would adhere to LP Policy D3, DMP 30 and the Small Sites SPD.

Detailing and Materials

Policy

- 64 DMLP Policy 30 requires the use of high quality materials that either match or complement existing development.

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Discussion

- 65 The proposed dwelling would be built in red/mixed London Stock brick and have a slate tile roof. Render is proposed around the side and top of the porch canopy. Red brick and render are materials that have been prevalently used on other properties in the road. The proposed grey aluminium windows and doors are considered acceptable with regards to placement, size and materiality; as are the three roof lights in the rear roof slope. Aluminium is considered a high quality material and an appropriate response for the site, since replacement aluminium and uPVC windows have been installed in the majority of properties in Guibal Road.
- 66 The proposed materials are considered high quality and acceptable. A condition would be added to ensure these materials are used and that design quality is maintained throughout the development process.
- 67 With regards to proposed boundary treatments, the front boundary wall would measure 1m high and be built of red mixed stock brick with coping and a built planter behind. The front side boundary treatments would be 1m high timber slated fence panels. Similar panels at 1.8m high would be used at the rear of the site. The proposed boundary treatments are considered acceptable.

6.3.2 Urban design conclusion

- 68 Officers are satisfied that the proposal would enhance the character and appearance of the street scene. The provision of an additional family sized dwelling is considered a significant planning merit.

6.4 TRANSPORT IMPACT

General policy

- 69 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes
- 70 Para.109 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 71 Regionally, the Mayor’s Transport Strategy (‘the MTS’, GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.
- 72 Policy T1 of the London Plan (2021) sets out the Mayor’s strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more

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sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.

- 73 Core Strategy Policy 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

6.4.1 Servicing and refuse

Policy

- 74 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road
- 75 CSP 13 sets out the Council's waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.
- 76 DMLP 29 requires new development to have no negative impact upon the safety and suitability of access and servicing
- 77 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23

Discussion

- 78 A refuse store would be provided at the front of the site. The storage facility would measure 2.15m long, 0.8m wide and 1.2m high. The storage facility would be constructed in timber with openings in the side and roof to facilitate ease of use, as shown in drawing 016. The proposed storage is considered acceptable and officers consider it reasonable to secure the bin store by condition.

6.4.2 Transport modes

Walking and cycling

Policy

- 79 Development should give priority first to pedestrian and cycle movements, both within the scheme and within the neighbouring area. Development should create places that are safe, secure and attractive, minimising the scope for conflicts between pedestrians, cyclists and vehicles.
- 80 Cycle storage space should be provided in accordance with LPP T5, table 10.2 and London Cycle Design Standards. Developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards.

Discussion

- 81 The property would be provided with cycle storage for two bicycles to the front of the site. As such, the proposal is considered to be acceptable in terms of cycle parking provision, adhering to London Plan standards.

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Private cars

Policy

- 82 LPP T6 supported by CSP 14 and DMLP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Paragraph G of LPP T6 states that where car parking is provided in new developments, provision should be made for infrastructure for electric or other Ultra-Low Emission vehicles. Table 10.3 of the London Plan sets the maximum car parking standards for residential developments. The site has a PTAL 1b rating and under LPP T6 the maximum allowance for off street parking is 0.75 spaces per household.

Discussion

- 83 Off street parking for one car is proposed as part of this development. Whilst this would result in a slight overprovision of off street parking space according to Table 10.3 of the London Plan; the proposal would include an electric car charging point.
- 84 Moreover, Officers note that every property in Guibal Road has off street parking in the form of a garage and/or hardstanding. Considering the area's low PTAL the provision of one off street parking space is considered acceptable in this instance. Officers note that there is an existing dropped kerb and crossover in front of the development site. As a consequence, there is no need for the applicant to apply for a crossover to facilitate off street parking on site.
- 85 One objection has been made regarding highway safety on Guibal Road. The road is not within a controlled parking zone and as such there are no parking restrictions regarding on street parking. Since the majority of properties within the road benefit from off street parking provision, on-street parking in the road is light. The proposed dwelling would have one off street parking space and would use the existing crossover; as such the proposal would have no impact on the highway in terms of on-street parking or highway safety.
- 86 Officers note that separate off street parking in the form of existing hardstanding would be retained for the occupiers of No.92.

6.4.3 Transport impact conclusion

- 87 In summary, the proposed development is considered to have an acceptable impact on the surrounding highway and transport network subject to the imposition of the conditions recommended above.

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 88 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 180 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. This is reflected in relevant policies of the London Plan, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2016, GLA; Alterations and Extensions SPD 2019, LBL).

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- 89 LPP D3 states that development proposals should deliver appropriate outlook, privacy and amenity as well as mitigating noise levels.
- 90 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours
- 91 Further guidance is given in Housing SPD 2017, GLA. The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters, although site context will mean these standards could be tightened or relaxed accordingly. The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.

6.5.1 Enclosure, Outlook & Privacy

Policy

- 92 Overbearing impact arising from the scale and position of development is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries. Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.
- 93 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise
- 94 DMLP 32 expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours. Additionally, the justification for DMLP 32 at paragraph 2.250 advises that there should be a minimum separation distance of 21m between directly facing habitable room windows on main rear elevations.

Discussion

- 95 The rear elevation of the proposed house would not extend beyond the rear elevations of Nos.88 or 92. Whilst the presence of the building would be noticeable, due to its depth and siting, it would not give rise to a significant overbearing impact or result in any significant overshadowing. In terms of loss of day/sunlight; Drawing 012 Rev.A clearly shows that the proposed dwelling would not exceed the lines taken at 45 degrees from the centre of the nearest windows in the rear elevations of both Nos.88 and 92. Consequently there will be no significant loss of day/sunlight to these neighbours.
- 96 The only side facing windows in the new development would be in the southern elevation and these would service the internal staircase. These windows would look onto the blank side wall of No.92. All other window openings would be to the front and rear elevations of the proposed dwelling. As such, there would be no issues regarding overlooking or loss of privacy to Nos.88 and 92 Guibal Road.
- 97 No.179 Burnt Ash Hill is a large property in substantially sized grounds to the rear of the subject site. The rear of this property would be approximately 65m from the rear elevation of the proposed development. Consequently, there would be no significant impact on this adjoining neighbour in terms of amenity.

6.5.2 Noise and disturbance

Policy

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98 The NPPF at para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should help to improve local environmental conditions. Para 185 states decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Discussion

99 The introduction of a new residential property within a residential area is not considered to result in any significant long-term material impacts in terms of noise and disturbance. The construction phase of development is likely to introduce short-term disturbances to the surrounding properties, however that is an inevitable consequence of development and is not considered a material consideration in this case. Hours of noisy work are controlled by other legislation, and an informative is proposed in order to draw the Applicant's attention to Lewisham's Good Practice guide

6.5.3 Impact on neighbours conclusion

100 Officers consider that the proposal would be acceptable and would have no significant harm upon the amenities of surrounding properties.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

101 Para. 149 of the NPPF requires Local Planning Authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.

6.6.1 Urban Greening

Policy

102 CSP 7 expects urban greening and living roofs as part of tackling and adapting to climate change. DMP 24 requires all new development to take full account of biodiversity and sets standards for living roofs.

Discussion

103 The proposal would increase the footprint of built form from 48sqm (existing garage) to 77.5sqm (new dwelling). A small strip of soft landscaping would be retained behind the front boundary wall. The current lawn area would be removed and replaced with hard landscaping providing off-street parking, cycle and bin storage. However, the rear garden would be retained.

Living roofs

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A small green roof measuring 3sqm is proposed above the single storey rear element of the proposal. No details of the green roof have been submitted, however, these can be secured via a suitable condition.

6.6.2 Sustainable Urban Drainage

Policy

- 104 NPPF para 159 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 163 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.
- 105 LPP SI 12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 106 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.
- 107 LPP GG6 requires developments to make efficient use of water and reduce impacts from natural hazards like flooding.

Discussion

- 108 The application site is not located in a flood risk zone and the scale of development does not require a detailed SuDS scheme. However, permeable paving is proposed to the front of the site. No details of the permeable paving have been submitted, however, details can be secured by a suitable hard landscaping condition.
- 109 The introduction of a small green roof to the rear of the dwelling would likely reduce run-off rates and therefore has the potential to deliver some drainage benefits. This has not been substantiated by a detailed report and therefore does not carry weight as a planning merit

6.6.3 Sustainable Infrastructure conclusion

- 110 The proposal is considered acceptable in sustainable development terms. In light of this officers consider it reasonable to secure hard landscaping details by condition.

6.7 NATURAL ENVIRONMENT

General Policy

- 111 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning
- 112 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 113 The NPPF at paragraph 185 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development

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6.7.1 Green spaces and trees

Policy

114 Paragraph 174 of the NPPF (2021) requires that decisions should contribute to and enhance the natural and local environment. DM Policy 25 seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process

Discussion

115 The existing site makes little additional contribution to the natural environment and given the size of the site there is limited opportunity to secure improvements. The proposal does however include retention of the rear garden and soft planting to the frontage and a small green living roof.

6.7.2 Natural Environment conclusion

116 The proposal is acceptable in terms of natural environment, subject to conditions.

7 LOCAL FINANCE CONSIDERATIONS

117 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).

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

119 The CIL is therefore a material consideration.

120 £8,344.86 Lewisham CIL and £5,513.57 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

8 EQUALITIES CONSIDERATIONS

121 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.

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

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- 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.

123 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.

124 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>

125 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

126 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>

127 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

128 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

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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

129 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.

130 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.

131 This application has the legitimate aim of providing a new building with residential use. 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

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

133 The principle of an additional dwelling at this site is supported as it is situated in a sustainable urban location. The proposed development is acceptable in terms of scale, form, design and materials. Significant weight is given to the planning merit of additional housing.

134 The proposal would have no unacceptable impact on neighbouring properties in terms of enclosure, outlook and privacy, noise or disturbance. There would be no significant negative impact on the local transport network or parking.

135 Harm has been identified by officers in terms of the siting of the dwelling which would diminish the open spatial quality that exists at present. However, this harm is not considered so critical as to outweigh the planning merit of an additional dwelling.

11 RECOMMENDATION

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

11.1 CONDITIONS

- 1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) APPROVED PLANS

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

001; 002; 003; 004; 005; 011; 012 Rev.A; 014; 015; 016; 017; 018; 019; BP1; P01; SP1 (Received 19th January 2022)

013 Rev.B; 020 (Received 6th April 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) MATERIALS

The scheme shall be carried out in accordance with the approved details set out in drawing 019 hereby approved.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the buildings 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, DM Policy 31 Alterations and extensions to existing buildings including residential extensions

4) HARD LANDSCAPING

(a) Prior to any works taking place drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.

(b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies SI 12 Flood risk management in the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character

5) LIVING ROOF

(a) The development shall be constructed with a biodiversity living roof laid out in accordance with approved plan and maintained thereafter.

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- (b) The living roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policy G5 Urban greening in the London Plan (2021) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

6) ELECTRIC VEHICLE CHARGING POINT

The electric vehicle charging point as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved

Reason: To reduce pollution emissions in an Area Quality Management Area in accordance with Policy T6 Car parking in the London Plan (March 2021), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

7) CYCLE STORAGE

The cycle parking storage as detailed in Drawing 017 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).

8) BIN STORAGE

The facilities as approved in drawing 016 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).

9) CAR PARKING SPACE

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The car parking space shown on drawing nos. 011 and 017, hereby approved shall be provided prior to the occupation of the dwelling and retained permanently thereafter

Reason: To ensure the permanent retention of the space for parking purposes, to ensure that the use of the building does not increase on-street parking in the vicinity and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Policy T6.1 Car parking and Table 10.3 of the London Plan (March 2021)

10) CONSTRUCTION DELIVERIES

No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 170 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

11) CONSTRUCTION LOGISTICS MANAGEMENT PLAN

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).

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12) BOUNDARY TREATMENT

The boundary treatments as approved in Drawing 018 shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character 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, positive discussions took place which resulted in further information being submitted.

12 BACKGROUND PAPERS

- (1) Submission drawings
- (2) Submission technical reports

13 REPORT AUTHOR AND CONTACT

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