



## Planning Committee A

**272 Brockley Road, London, SE4 2SF**

**Date:** 8 June 2022

**Key decision:** No.

**Class:** Part 1

**Ward(s) affected:** Ladywell

**Contributors:** Alfie Williams

### Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of five individual objections.

## Application details

**Application reference number(s):** DC/21/124199

**Application Date:** 5 November 2021

**Applicant:** Mr Fraser Steele

**Proposal:** Alterations and conversion of the existing dwelling and construction of a lower ground floor rear extension with a roof balcony at 272 Brockley Road SE4 to create two self-contained flats, with alterations to front boundary and front garden area, refuse and cycle storage, together with the demolition of outbuildings and structures in the rear garden and redevelopment to provide a partially sunken two storey dwelling with refuse and cycle storage.

**Background Papers:** (1) Submission Drawings  
(2) Submission technical reports and supporting documents  
(3) Internal consultee responses

**Designation:** Air Quality Management Area  
Local Open Space Deficiency  
PTAL 4

## 1 SITE AND CONTEXT

### *Site description and current use*

- 1 The application site is a three storey mid-terrace Victorian property located on the western side of Brockley Road. The site is close to the junction with Arabin Road and has access onto Arabin Road at the rear. The property is constructed from London stock bricks with a stuccoed lower ground floor level and stucco detailing to the front entrance. The front entrance is raised above the front garden and accessed by steps and there is a two-storey bay aligned to the opposite side of the façade. The bay and the other openings accommodate timber sash windows with arched heads. The property has a London roof concealed behind a front parapet with cornicing.
- 2 At the rear, the property has a relatively large garden that wraps around the rear of the neighbouring 274 Brockley Road. The rear garden has historically been used for car parking and consequently is predominately covered in concrete hardstanding and features a garage and car port. The garden is in poor condition with areas of vegetation growing between gaps in the concrete. There is vehicle access onto Arabin Road via rusted steel gates.

**Figure 1. Site plan**

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### ***Character of area***

- 3 The surrounding townscape is characterised by three storey Victorian properties. On the western side of Brockley Road these are mainly in residential use with parades of shops directly opposite. This mixed character continues to the north and south on Brockley Road with areas of shopping parades interspersed with residential terraces and blocks of flats. The parades feature a mix of uses including retail, cafés, restaurants and bars, typically with residential uses above. The roads that adjoin Brockley Road to the east and west are predominantly residential, including Arabin Road.

### ***Heritage/archaeology***

- 4 The site does not fall within any designated conservation area, however the Brockley Conservation Area is located opposite the site with its boundary running along Brockley Road. The Grade II Listed St Andrews Church is located approximately 50m to the north-east of the site.

### ***Local environment***

- 5 Brockley and Ladywell Cemeteries are located approximately 180m south of the application site, whilst Hilly Fields Park is located approximately 300m east of the site. The site is within an area with a Local Open Space Deficiency and is also within an Air Quality Management Area.

### ***Transport***

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- 6 The site has a Public Transport Accessibility Level (PTAL) score of 4, which indicates a good level of public transport accessibility. Local footways offer access to key public transport facilities, with bus stops staggered along Brockley Road. The closest bus stops to the site are located within 65m (that is approximately 1 minute walk) to the north of the site and 150m (that is a 2 minute walk) to the south of the site. Both bus stops are equipped with a bus shelter and bus times/information. The buses that serve these bus stops are Route No. 171,172 and N171. The closest railway and overground station is Brockley 0.5km to the north (that is a 7 minute walk).

## 2 RELEVANT PLANNING HISTORY

- 7 DC/91/33516: The erection of a car port over the existing car parking space to the rear of 272 Brockley Road SE4 the rebuilding of the boundary garden wall – granted 28 February 1992.
- 8 DC/02/050403: The variation of Condition (4) of the planning permission dated 28/2/1992 for the erection of a car port over the existing car parking space to the rear of 272 Brockley Road SE4, together with rebuilding of the boundary wall fronting Arabin Road, in order to allow the retention of the car port - refused and allowed at appeal on 18 September 2003
- 9 DC/20/119567: Lawful Development Certificate (Existing Use) in respect of the use of 272 Brockley Road, London, SE4 2SF, as three separate residential units – refused 22 January 2021.
1. *Insufficient evidence has been provided in support of the application to demonstrate on the balance of probability that 272 Brockley Road, SE4, has been used as three (3) self-contained residential units (Class C3) for a continuous period of four years or more from the date of this application, as set out in Section 171B and Section 191 of the Town and Country Planning Act 1990 (as amended).*

## 3 CURRENT PLANNING APPLICATION

### 3.1 THE PROPOSALS

- 10 The proposed development would see the alteration, extension and conversion of the existing property to provided two self-contained flats. In addition, the outbuilding and car port in the rear garden would be demolished to facilitate the construction of a two-storey house.
- 11 The existing property would be subdivided to provide two self-contained flats: one arranged at lower ground floor level and one arranged over the upper ground and first floors. The lower flat would be a two bedroom four person unit with access to a courtyard created within the rear garden. The upper flat would have three bedrooms with access to a roof terrace. Both flats would be accessed via the front elevation. For the upper flat this would be via the main entrance and for the lower flat via an existing door in the side of the front steps.
- 12 The conversion would require the construction of a single storey extension at lower ground floor level measuring 2.8m deep x 6.4m wide x 3.2m high. The roof of the

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extension would form an external terrace for the upper flat and would feature 1.2m high metal railings and a 1.7m high section of wall aligned to the northern side providing screening. The extension would be constructed in London stock brickwork to match the existing.

- 13 The front boundary of the property would be replaced by a corten steel bin and cycle store with integral planter above. The front garden would be landscaped to provide a new street level deck to provide access to the store and new areas of planting to replace those lost from the creation of the deck. The store would accommodate bin and cycle storage for the upper flat. The lower flat would have bin and cycle storage in the rear yard with an access onto Arabin Road.
- 14 The structures in the rear garden would be demolished to facilitate the construction of a new two storey two bedroom house. The house would have a maximum height of 4.4m at the Arabin Road frontage facilitated by the excavation of a half basement 1.2m below the existing ground level. The roof would slope down towards the rear and sides and the first floor level would be set in from the sides and rear. The house would be constructed from cream fair faced brickwork with two aluminium dormers in the street elevation and aluminium windows in the ground and first floor level openings. The roof levels at first and ground floor levels would accommodate biodiverse living roof systems.
- 15 The house would be accessed via Arabin Road from a new entrance in the boundary. Cycle and bin storage would be provided within the two courtyards created to the east and west of the house.

## 4 CONSULTATION

### 4.1 APPLICATION PUBLICITY

- 16 Site notices were displayed on 8 December 2021 and again on 23 March 2022 following the submission of revisions.
- 17 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 7 December and again on 23 March.
- 18 Six responses were received to the two periods of consultation, comprising five objections and one neutral comment.

#### 4.1.1 Comments in objection

Comment	Para where addressed
Loss of back garden	43-44
Overdevelopment	45
Inappropriate design	70-76
Increased parking stress	90-91
Loss of outlook	99-102
Loss of privacy	104-106
Loss of light	113-114

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Increased noise and disturbance	119
Security impacts	121

19 The objections also raised the following matter that is not held to be a material planning consideration in this case: the impact to ventilation extracts at neighbouring properties is not a material consideration as these matters are suitably addressed by party wall legislation.

#### 4.1.2 Neutral comments

20 One neutral comment was submitted requesting that the development contributes street trees to Arabin Road. This request would not be proportionate to the scale of development particularly given that the development would make a positive contribution to urban greening and biodiversity, subject to conditions.

21 The comments raised in relation to the approved development at 270 Brockley Road are not material to this application.

## 4.2 INTERNAL CONSULTATION

22 The following internal consultees were notified on 7 December 2021.

23 Highways: raised no objections to the development.

## 5 POLICY CONTEXT

### 5.1 LEGISLATION

24 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).

25 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

### 5.2 MATERIAL CONSIDERATIONS

26 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.

27 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.

28 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.

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## 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

29 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

## 5.5 SUPPLEMENTARY PLANNING GUIDANCE

30 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Brockley Conservation Area Supplementary Planning Document (December 2005)
- Small Sites SPD (October 2021)

31 London Plan SPG:

- Planning for Equality and Diversity in London (October 2007)
- Housing (March 2016)

## 6 PLANNING CONSIDERATIONS

32 The main issues are:

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

### 6.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

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33 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.

34 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.

### ***Policy***

35 LPP H1 seeks to optimise the potential of housing delivery, especially on sites with good public transport access level (PTALs) of 3-6 and close to town centres. The target set for Lewisham in the LP is 16,670 homes between 2019-29, or 1,667 as an annualised average.

36 LPP H2 states that boroughs should increase the contribution of small sites (below 0.25 hectares) to meeting London's housing needs and sets a ten year target for Lewisham of 3,790 new homes.

8 DMP 3 states the following with regard to the conversion of a single family house into flats:

*i. The Council will refuse planning permission for the conversion of a single family house into flats except where environmental conditions mean that the single family house is not suitable for family accommodation due to any factor listed below:*

*a. adjacent to noise generating or other environmentally unfriendly uses*

*b. lack of external amenity space suitable for family use.*

*ii. Any single family house considered suitable for conversion according to point 1 of this policy will need to have a net internal floorspace greater than 130 sq. m.*

*iii. All conversions must meet the general design requirements and housing standards in DM Policy 25 (Landscaping and trees), DM Policy 29 (Car parking), DM Policy 30 (Urban design and local character), DM Policy 31 (Alterations and extensions to existing buildings including residential extensions) and DM Policy 32 (Housing design, layout and space standards).*

9 DMP 33 sets out the requirements for a variety of sites within residential areas that may come forward for development. Development on these sites require careful consideration due to the need to preserve the quality and amenity of residential areas. The main types of sites are infill sites, backland sites, back gardens and amenity area. The policy accepts that some sites will not squarely into one definition.

10 DM Policy 33, Part A, sets out the criteria for assessing infill development and states the development will be permitted on those sites provided that the development meets the following:

a. make a high quality positive contribution to an area

b. provide a site specific creative response to the character and issues of the street frontage typology

c. result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens

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- d. provide amenity space in line with DM Policy 32
- e. retain appropriate garden space for adjacent dwellings
- f. repair the street frontage and provide additional natural surveillance
- g. provide adequate privacy for the new development and
- h. respect the character, proportions and spacing of existing houses

11 Section 29 of the Small Sites SPD is relevant to this proposal.

### ***Discussion***

37 The proposed development includes the subdivision of the existing property and the construction of a house in the rear garden. The principle of both elements of the development will be assess in turn below.

#### *Subdivision of the property*

38 The South East London Strategic Housing Market Assessment identifies a local need for family sized dwellings within Lewisham. Family sized dwellings are defined as 3+ bedrooms. Therefore, DMP 3 is considered to be relevant to this proposal. DMP 3 states that developments that would result in the loss of a single family house will be refused planning permission except where environmental conditions mean that the house is unsuitable for family accommodation due to proximity to noise generating uses or lack of external amenity space.

39 Taking environmental conditions first, no evidence has been submitted to substantiate that the environmental conditions are unsuitable for family living though there is some merit to the argument that the location on a busy classified road is not ideal for family housing due to the traffic and pollution levels. However, many of the properties within the adjoining terrace remain as single family dwellings with some examples where the properties have been converted into flats. Nonetheless, the western side of Brockley Road has retained a residential character.

40 Turning to the rear garden, at present it is not suitable for family living due to the car port and garage combined with the hardstanding and general condition. However, the garden is an appropriate size for a family dwelling and could be reconverted to provide a higher quality amenity space. This would take a significant amount of work although this is not insurmountable.

41 Thirdly, in order to compensate for the subdivision of the property, the development would include the provision of a three bedroom flat (upper flat) as part of the unit mix. The flat would not be ideal for family living as it would not have access to a genuine garden. However, the flat would benefit from a roof terrace, which would exceed the London Plan space standard. The quality of the roof terrace for the upper flat would be an improvement on the quality of the existing garden, taking into account the amount of work that would be required to re-establish a garden.

42 None of the above three points are in themselves determinative and sufficient alone to overcome the policy position; however, when taken together, the conversion of the property is considered acceptable. Regard to the overall planning balance is also crucial and in this case the development would deliver two net additional units (including the garden house, discussed below) towards both the overall and small sites housing

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targets, which is a planning merit. Furthermore, no significant planning harms have been identified in the following assessment.

#### *Garden house*

- 43 The proposal site is located in the rear garden of 272 Brockley Road. Therefore, the site has characteristics of a back garden site as defined in DMP 33. DMP.33.C states that development of back gardens for separate dwellings on a wholly undeveloped garden of an existing and retained dwelling will not be granted permission. In this case the rear garden has been converted to provide ancillary car parking and features a car port and garage, but remains a back garden for the purposes of this application.
- 44 DMP 33 recognises that some sites will not fit squarely into one site typology. This site also exhibits characteristics of an infill site given the street frontage on to Arabin Road. These sites are identified for development within Section 29 of the Small Sites SPD as side street typology. The Small Sites SPD describes the side street typology as occurring where existing garages, other outbuildings or rear amenity space directly faces onto a secondary street where the distance from the rear of a house on the primary street is sufficient to allow new dwellings to be developed in place of existing structures. As such, the principle of a separate dwelling here is supported subject to an assessment against the criteria set out at DMP 33.A and the guidance in the Small Sites SPD.
- 45 The objections to the scheme allege that the scale of development proposed would overdevelop the site. The following assessment within this report does not identify any adverse impacts that would indicate that the proposals would overdevelop the site. In summary the new built form is considered subservient to the host property and would not harm the living conditions of neighbours. Furthermore, the residential accommodation is fully compliant with the relevant standards and there is adequate external space to service the development.

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

- 46 On balance, the principle of the subdivision of the property is considered acceptable given that the existing property is not entirely suitable as a family dwelling, taking into account the condition of the garden and environmental conditions, the scheme would reprovide a three bedroom dwelling of broadly equivalent quality to the existing dwelling and the scheme overall would provide a net increase of two dwellings in a sustainable urban location. The construction of a separate dwelling within the garden is supported as the garden would have a street frontage onto Arabin Road. The provision of two additional residential units would make a modest contribution to local housing targets, which is attributed weight within the overall planning balance.

## **6.2 RESIDENTIAL QUALITY**

#### *General Policy*

- 47 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).
- 48 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; and (v) noise and disturbance;

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## **Internal and external space standards**

### *Policy*

- 49 LP Policy D6 and Table 3.1 sets minimum standards for new housing developments. This is supported by CS Policy 15 and DMLP Policy 32. Table 3 below sets out proposed dwelling sizes in regards to the minimum internal space standard that needs to be provided.
- 50 LPP D6 states that for 1-2 person dwellings, a minimum 5sqm is required, with an extra 1sqm for every additional occupant. Additional guidance is provided within the London Plan Housing SPG at Standard 26.

### *Discussion*

- 51 The table below sets out proposed dwelling sizes.

**Table 2: Internal & External space standards**

<b>Flat No.</b>	<b>Unit size</b>	<b>Required GIA (m<sup>2</sup>)</b>	<b>GIA (m<sup>2</sup>)</b>	<b>External amenity space (m<sup>2</sup>)</b>
Lower Flat	2b3p	61	63	19
Upper Flat	3b5p	93	94	12
Garden House	2b4p	79	80	22

- 52 All of the proposed units would exceed the requirements of LP Policy D6 in terms of total floorspace, bedroom size and built-in storage. The floor to ceiling height for the garden house would meet the 2.5m target as required by LPP D6. All of the dwellings would benefit from external amenity space exceeding the London Plan requirement. Therefore, the development would be fully compliant with the London Plan space standards thereby ensuring a high standard of residential quality.

## **Outlook, Privacy & Ventilation**

### *Policy*

- 53 DMLP Policy 32 expects all new development to provide a satisfactory level of privacy, outlook and ventilation for both its future residents.

### *Discussion*

- 54 All of the proposed residential units would be dual aspect as a minimum with the allocation of windows providing good levels of outlook. The provision of windows would also provide passive cross ventilation providing mitigation against overheating and relief from the main road. In privacy terms there would be an element of intra-development overlooking from the windows and terrace of the upper flat towards the external amenity space of the lower flat and the garden house. Overlooking of this type is typical of urban environments such as this, where there are windows and balconies in close proximity to neighbouring gardens, as is the case for the adjoining roof terrace at No.274. As such, privacy levels are considered adequate and appropriate for a development in this location.

## **Daylight and Sunlight**

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### *Policy*

- 55 DMP 32 expects new development to provide a 'satisfactory level' of natural lighting for its future residents.
- 56 Daylight and sunlight is 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.
- 57 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2% for kitchens. For sunlight the measure is Annual Probable Sunlight Hours (APSH) with a target of achieving a minimum of 25% of annual sunlight hours.

### *Discussion*

- 58 A Daylight and Sunlight Assessment (T16, September 2021) has been submitted with the application. The report provides an analysis of the internal levels of sunlight (APSH) and daylight (ADF) for the residential accommodation against the BRE standards. The results confirm that development would be fully compliant with the relevant BRE guidance.

### **Noise & Disturbance**

#### *Policy*

- 59 NPPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.
- 60 Planning controls the effect of noise from external sources on residential uses and noise transmission between different uses. The relevant standard is BS: 8233:2014. This states the internal noise levels within living rooms must not exceed 35 dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night –time (2300-0700). With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T.

#### *Discussion*

- 61 The proposed development would see the provision of additional residential development within an existing residential property. As such, noise impacts for the proposed accommodation would be no worse than for the existing house. The existing single glazed windows would be replaced with double glazed units as part of the development, thereby improving the acoustic performance. The garden house would also feature double glazed windows and is located in the rear garden, away from the most significant source of ambient noise, which is likely to be traffic and commercial activity on Brockley Road. Details for the replacement windows would be secured by condition.

### **Summary of Residential Quality**

- 62 The proposed development would provide three good quality residential units in accordance with the requirements of the Development Plan.

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## 6.3 URBAN DESIGN

### *General Policy*

- 63 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.
- 64 London Plan (Policy D3) and Core Strategy (Policy 15) design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30, seeks to apply these principles.

### *Policy*

- 65 LPP D3 states that development proposal should respond positively to the existing character of a place by identifying the special characteristics and features of the locality.
- 66 Further to this, DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 67 DMP 31 requires development proposals for alterations and extensions to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 68 DMP 33 supports the principle of new development within a street frontage but seeks to ensure that the proposed development would make a high quality positive contribution to the area whilst also providing a site specific creative response to the character and issues of the street frontage typology.
- 69 The Small Sites SPD provides guidance for the redevelopment of small infill sites (maximum 0.25ha). Sections 29 is directly relevant to this site and requires that new houses be subservient to those fronting the primary street.

### *Discussion*

- 70 As discussed above, the site is considered to be infill development of the side street typology as defined within Section 29 of the Small Sites SPD. The SPD requires new houses to be subservient to the primary street and advises that the highest point of the new house should be below that of the property on the corner. The garden house is sunken and two storeys with a flat roof and is therefore sufficiently subservient to the primary houses fronting Brockley Road and the adjacent properties on Arabin Road. The 5.6m distance to 274 Brockley Road and 14m distance to the side of 2 Arabin Road would ensure adequate visual separation providing stature to the new property and preserving views to the rear of the properties across the rear gardens.
- 71 The house would feature brickwork in a similar tone to the existing properties. This would be a contextual approach and as such is not objectionable. Details for the bricks, mortar and pointing would be secured by condition to ensure that the building would be of high

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quality. The roofs would accommodate biodiverse living roof systems thereby softening the appearance of the building and making a vital contribution to urban greening.

- 72 The dark coloured aluminium dormers would contrast with the brickwork providing a strong design element and with it visual interest to the building. The dark coloured aluminium fenestration is repeated throughout the building resulting in a coherent design response. This is most apparent in the design of the western side elevation, which features a high proportion of glazing. The proportion of glazing would assist in breaking up the massing when viewed from western viewpoints on Arabin Road. The specification of the windows and doors, the depth of the reveals and junction details would be secured by condition in order to deliver a high standard of design and detailing.
- 73 The existing stock brick boundary wall fronting Arabin Road would be retained, which is supported. The existing openings would also be retained but with the gates removed and porous gates and treatments installed to enhance the buildings presence within the streetscene. The new gates would provide a legible entrance from the public realm as required by Standard 8 of the London Plan Housing SPG. The boundary treatments will also be secured by condition.
- 74 The proposed single storey extension with terrace above would replicate the form of the neighbouring extension at no.274 and is therefore not objectionable. The extension would utilise matching brickwork with black metal railings, which is an appropriate design response. The height and scale of the extension are consistent with the neighbouring extensions forming a subservient and proportionate addition to the three storey host property. Full details of the materials and design features for the extension would be secured by condition.
- 75 The front garden would be altered to accommodate accessible bin and cycle storage for the upper flat. These works include the installation of a corten steel cycle and bin store in place of the existing boundary treatment and associated hard and soft landscaping. Corten is a high quality material and is therefore considered suitable given that the front boundaries within the terrace do not exhibit consistency in terms of form, scale or materials. The store would feature a planter in order to green the front boundary. Conditions are recommended securing final details for the design of the store as well as hard and soft landscaping schemes. The hard landscaping should include permeable materials to assist in mitigating flooding risk.
- 76 The alterations to the front of the property are relatively modest and as such would not introduce any significant impacts to the setting of the Grade II Listed St Andrews Church nor the Brockley Conservation Area.

### **6.3.1 Urban design conclusion**

- 77 Overall, Officers are satisfied that the proposed development would represent a high quality and contextual addition to the area that would responds positively to the surrounding townscape. Therefore, the proposed development is considered compliant with the relevant national, regional and local urban design policies

## **6.4 TRANSPORT IMPACT**

### *General policy*

- 78 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 106. This includes: (a) addressing impact on the transport

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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.

- 79 Para 111 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

#### **6.4.1 Local Transport Network**

##### *Policy*

- 80 The NPPF at paragraph 106 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

##### *Discussion*

- 81 The application site has a PTAL of 4, which is a good level of public transport accessibility. It is close to a number of bus stops and to Brockley train station. The site is therefore considered a sustainable urban location for intensification that could accommodate the relatively modest scale of development without any significant mitigation to the surrounding transport infrastructure and network.

#### **6.4.2 Servicing and refuse**

##### *Policy*

- 82 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.
- 83 CSP13 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.
- 84 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*

- 85 Each residential unit would be provided with a dedicated bin store. For the lower flat and the garden house the stores would be located within the rear yards, which share an access onto Arabin Road. The upper flat would have a combined bin and cycle store within the front garden. Officers are satisfied that the stores could accommodate separate bins for recycling and general waste. It would then be the responsibility of the occupants to put the bins out on collection day consistent with the existing arrangement. This is an acceptable arrangement given that the stores are within 10m drag distance of the footway. A condition is recommended to secure details of the design of the stores and the provision of the stores prior to the occupation of the development.

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### 6.4.3 Transport modes

#### ***Walking and cycling***

##### *Policy*

86 Residential development is required to provide cycle parking in accordance with the requirements of Policy T5 and Table 10.2 of the London Plan.

##### *Discussion*

87 Six long-stay spaces are required to comply with Table 10.2 of the London Plan. For the lower flat and the garden house the stores would be located within the rear yards with a shared access onto Arabin Road. The upper flat would have a combined bin and cycle store within the front garden. Each store would have capacity for two cycles in accordance with the London Plan requirement. These stores would also be covered, secure and accessible in compliance with TfLs London Cycle Design Standards, as required by LPP T5. As such, the cycle facilities are supported subject to a condition securing details of the design prior to the occupation of the development.

#### ***Private cars***

##### *Policy*

88 LP Policy T6 supported by CSP 14 and DMP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use.

89 LP Policy T6.1 and Table 10.3 states that maximum residential parking for sites in PTAL 4 and above should be car free.

##### *Discussion*

90 The proposal does not include any off-street parking, which is supported given the good PTAL rating. There are no parking restrictions or CPZs in operation in the surrounding area so it is not possible to restrict cars from being parked on the streets. Therefore, there is potential for overspill parking within the surrounding streets. A parking stress survey has been undertaken to provide an indication of parking capacity in the surrounding area. The survey has been reviewed by the Council's Highways Officer who has confirmed that the survey was undertaken in accordance with the accepted Lambeth Methodology. The survey covered a 200m radius from the application site, which includes the following roads:

- Arabin Road
- Braxfield Road
- Foxberry Road (east of Howson Road/ Harcourt Road)
- Howson Road (between Braxfield Road and Foxberry Road)
- Brockley Road (between Braxfield Road and Foxberry Road)

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91 The results of the survey are included within the Transport Statement (Transport and Traffic, September 2021). The surveys indicate an average parking stress of 75% from overnight surveys, which show there are on average 67 kerbside spaces to park. The daytime surveys indicate a similar level of parking stress when comparing to the night time surveys. This is below the 85% that would indicate high levels of parking stress. There results indicate that the potential overspill parking generated by the development could be accommodated within the surrounding area without the need for mitigation.

### **Construction impact**

#### *Policy*

92 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road. Additionally, LPP T7 requires that construction logistic plans should be development in accordance with TfL guidance.

#### *Discussion*

93 No details have been provided for the construction phase of development. This is typical for development of this scale, however, the proximity to Brockley Road presents concerns given that Brockley Road is a classified road serving several bus routes. Obstruction to Brockley Road would therefore not be acceptable so a condition is recommended ensuring that all construction, including servicing, deliveries and access, is undertaken from Arabin Road.

### **6.4.4 Transport impact conclusion**

94 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*

95 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.

96 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (London Plan Housing SPG 2017).

97 The main impacts on amenity that generally arise from this type of development include: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; (iv) noise and disturbance; and (v) security.

### **6.5.1 Enclosure and Outlook**

#### *Policy*

98 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of outlook for its neighbours.

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### *Discussion*

- 99 In order to prevent enclosure of neighbouring windows and gardens, Figure 152 of the Small Sites SD recommends that new properties within rear gardens should be located a minimum distance of 10m from the rear of the existing house. The proposed garden house would fall short of this distance being located 5.6m from the rears of Nos 272 and 274.
- 100 The garden house has been designed to respond to these constraints. Firstly, by being sunken below the existing ground level and also in the design of the first floor level which is set in from the sides and rear and also slopes towards the rear. These measures would result in a building significantly lower than a typical two storey building. Finally, the roofs would accommodate living roof systems providing higher quality outlook from the upper floors. These design measures would be sufficient to prevent harm to No.274 given that the property does not have amenity space or rear windows at ground floor level and the existing garden already features built form. The lower flat within the application site does feature windows and an amenity space at ground floor level. However, the first floor of the garden building is orientated so that the elevations do not directly face the host building, thereby reducing the massing of the building when viewed from the rear windows and yard and allowing adequate levels of outlook.
- 101 To the west the garden building would adjoin the rear section of the garden of 270 Brockley Road, which accommodates a single storey metal structure. The presence of the structure would ensure that the garden building would not enclose this space. The garden house would be located approximately 12m from 2b Arabin road located to the north of the site, which is a sufficient distance to prevent a materially harmful loss of outlook taking into account the scale and design of the garden house.
- 102 The single storey extension would adjoin existing extensions at Nos 270 and 274 Brockley Road thereby preventing any material impacts to outlook and increased enclosure at the neighbouring properties.

## **6.5.2 Privacy**

### *Policy*

- 103 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on the upper floors of main rear elevations. The Small Sites SPD revises this figure to 16m and is therefore considered more relevant. Figures 30 and 31 of the Small Sites SPD advise that new directly facing windows should be located a minimum of 6m from the private garden zone of neighbouring properties, defined as 10m from the rear elevation of the property.

### *Discussion*

- 104 The garden house features first floor windows in the southern and western elevations. The southern elevation faces the street so would not introduce any material impacts to the privacy of neighbours. The western elevation directly overlooks the rear section of gardens of Nos 268 and 270 Brockley. These areas of gardens were not identified as being main amenity spaces during a site visit and would not be included within the 10m private garden zone as defined within Figures 29 and 30 of the Small Site SPD. Accordingly, the impact to privacy is considered acceptable.

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- 105 At 14m, the first floor western elevation window is within 16m of the flank elevation at No.2 Arabin Road, contrary to the SPD guidance. However, the first floor window in the flank elevation of No.2 is below conventional size and at a 14m distance is unlikely to permit intrusive views. The western window would permit views toward 2b Arabin Road (rear of 266 Brockley Road), but these would not be direct given the oblique angle coupled with the distance. As such, this overlooking is not assessed to be harmfully intrusive.
- 106 The provision of the roof terrace for the upper flat has the potential to introduce overlooking towards the neighbouring gardens. The most intrusive views would be towards the gardens directly to the north. These views would be screened by a brick wall preventing a harmful loss of privacy. A condition is recommended securing the provision of the screening prior to the occupation of the development. A condition would also be imposed preventing the use of the flat roofs of the garden house as an amenity space.

### 6.5.3 Daylight and Sunlight

#### *Policy*

- 107 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of sunlight and daylight for its neighbours.
- 108 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context.
- 109 The NPPF does not express particular standards for daylight and sunlight. Para 125 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.
- 110 The GLA states that 'An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.' (GLA, 2017, Housing SPG, para 1.3.45).
- 111 The three methods for calculating daylight are as follows: (i) Vertical Sky Component (VSC); (ii) Average Daylight Factor (ADF); and (iii) No Sky Line (NSL).
- 112 Sunlight is measured as follows: (i) Annual Probable Sunlight Hours (APSH); and (ii) Area of Permanent Shadow (APS)

#### *Discussion*

- 113 A Daylight and Sunlight Assessment (T16, September 2021) has been submitted with the application. The report provides an assessment of the impact of the proposed development against BRE standards for the windows and amenity spaces at the following properties:

- 270 – 274 Brockley Road

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- House to the rear of 266 Brockley Road

114 The report confirms that all of the windows modelled would be fully compliant with the BRE standards for daylight and sunlight. The same is true of the neighbouring amenity spaces. As such, the proposed development is considered acceptable in regard to the impact to light levels at the neighbouring properties.

#### **6.5.4 Noise and disturbance**

##### *Policy*

115 The NPPF at para 174(e) states decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. At para 180(a) of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life

116 The National Planning Policy Guidance for Noise (July 2019) advises on how planning can manage potential noise impacts in new development. It states that local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider whether or not:

- a significant adverse effect is occurring or likely to occur;
- an adverse effect is occurring or likely to occur; and
- a good standard of amenity can be achieved.

117 LPP D14 states that residential development should avoid significant adverse impacts to quality of life.

118 DMP 26 states that the Council will require a Noise and Vibration Assessment for noise and/or vibration generating development or equipment and new noise sensitive development, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician.

##### *Discussion*

119 No long-term impacts are likely to arise from the provision of a residential development within a residential area. However, there is considerable potential for short-term impacts during the construction phase of development given the proximity to neighbouring gardens. Therefore, a condition is recommended limiting the time of works and deliveries relating to the construction phase.

#### **6.5.5 Security**

##### *Policy*

120 The NPPF at paragraph 130 states that development proposals should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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### *Discussion*

- 121 The proposed development would introduce an additional entrance into the boundary wall fronting Arabin Road. This is considered to have a positive impact on the security of neighbours given that the development would introduce additional passive surveillance in this location through the addition of the garden house.

#### **6.5.6 Impact on neighbours conclusion**

- 122 No significant adverse impacts to the living conditions of the neighbouring properties have been identified and therefore the development would be compliant with the relevant policies of the Development Plan.

## **6.6 SUSTAINABLE DEVELOPMENT**

### *General Policy*

- 123 Para. 153 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.
- 124 The policies within the London Plan “Sustainable Infrastructure” chapter are relevant.
- 125 CS Objective 5 reflect the principles of the NPPF and sets out Lewisham’s approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

#### **6.6.1 Energy and carbon emissions reduction**

### *Policy*

- 126 LPP SI2 stated that major development should achieve zero carbon and should minimise peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.
- 127 CSP 8 also states that developments of greater than 1,000sqm should fully contribute to CO2 emission reductions in line with the regional and national requirements, and make a financial contribution to an offset fund if this cannot be adequately achieved on site.

### *Discussion*

- 128 The proposed development falls below the threshold for a major development and as such, the requirements of LPP SI2 and CSP 8 are not applicable to this application. However, the conversion of an existing building is consistent with paragraph 152 of the NPPF, which encourages the reuse of existing resources as part of the transition towards a low carbon future.

#### **6.6.2 Urban Greening**

### *Policy*

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- 129 LPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls.
- 130 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*

- 131 The construction of the garden house would result in the loss of a significant proportion of the garden. The rear garden of the property has historically been used for private car parking so is covered with concrete hardstanding with few areas of planting. Therefore, the living roof systems proposed for the house and stores would deliver a net increase in urban greening. The specification, including substrate depth, would be secured by condition in order to ensure that the living roof system would maximise biodiversity benefits and would be durable. The provision of the living roof is required to soften the appearance from elevated positions
- 132 At the front of the site the garden features a narrow planting strip close to the front boundary that is not fully utilised. This strip would be lost as a result of the works to the front garden. However, the landscaping of the garden would include the provision of planting at lower ground floor level and the combined bin and cycle store on the front boundary would incorporate a planter. Therefore, there would be no loss of soft landscaping within the front garden. A condition is recommended securing the details and provision of the soft landscaping prior to the occupation of the development.

### **6.6.3 Sustainable Infrastructure conclusion**

- 133 The proposal is acceptable in terms of sustainable development, subject to the conditions detailed above.

## **6.7 NATURAL ENVIRONMENT**

### *General Policy*

- 134 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 135 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 136 The NPPF at para 180 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.

### **6.7.1 Ecology and biodiversity**

#### *Policy*

- 137 NPPF para 174 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. NPPF para 179 sets out principles which LPAs should apply when determining applications in respect of biodiversity.

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138 LPP G6 expects Sites of Importance for Nature Conservation (SINCs) to be protected. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.

139 CSP 12 seeks to preserve or enhance local biodiversity.

140 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.

#### *Discussion*

141 The proposed biodiverse green roofs would enhance the contribution the site makes to biodiversity given the lack of soft landscaping at present. The specification for the green roofs will be secured by condition to ensure that the contribution to biodiversity is maximised.

### **6.7.2 Air quality**

#### *Policy*

142 NPPF 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 air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being. People such as children or older people are particularly vulnerable.

143 LPP SI1, CSPs 7 and 9 and DMP 23 reflect the national guidance and are relevant. Further guidance is given in the Mayor of London's Air Quality Strategy.

#### *Discussion*

144 The site lies within an AQMA. The application was not accompanied by the submission of an Air Quality Assessment. Since this scheme does not introduce new sensitive uses this is considered acceptable, taking into account the proposed scale of development would not generate significant construction traffic, and therefore further information and mitigation would not be necessary.

### **6.7.3 Natural Environment conclusion**

145 Officers are satisfied that there would not be any significant adverse impacts to the natural environment, nor impacts from environmental conditions on future occupiers.

## **7 LOCAL FINANCE CONSIDERATIONS**

146 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

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- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

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

148 The CIL is therefore a material consideration.

149 £7,161.33 Lewisham CIL and £4,731.59 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

150 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.

151 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.

152 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.

153 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>

154 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

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- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

155 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>

156 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

157 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

158 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.

159 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.

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

## 10 CONCLUSION

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

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- 162 The principle of the proposed development is supported given that the existing environmental conditions are sub-optimal, the subdivision of the property would include a three bedroom unit broadly commensurate with the quality of the existing house and the weight given to the merit of the net increase in homes. The rear garden of the property has been developed and has a street frontage so is considered an infill site appropriate for development. The provision of two additional residential units would contribute to local housing targets and as such would carry weight within the overall planning balance.
- 163 The standard of the accommodation provided by the residential units is considered to be high quality. In design terms, the scale and massing of the building and extension are assessed to be appropriate for the context. Furthermore, the development would feature high quality materials and detailing, ensuring that the proposal would make a positive contribution to the surrounding townscape.
- 164 The application proposal would not produce any harmful impacts in terms of sustainable development and the natural environment and would deliver a net increase in urban greening and biodiversity, subject to conditions. The proposed conditions are considered to ensure that any potentially adverse impacts to the local transport network and the living conditions of neighbours would be mitigated.
- 165 Therefore, subject to the imposition of conditions, the development is judged acceptable and would accord with the Development Plan.

## 11 RECOMMENDATION

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

### 11.1 CONDITIONS

#### 1 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 Approved Plans

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

0161.OS; 0161.P.110 C; 0161.S.100; 0161.S.102 received 8 November 2021;

0161.P.100 E; 0161.P.101 E; 0161.P.105 E; 0161.P.106 E; 0161.P.200 E;

0161.P.201 D; 0161.P.202 D; 0161.P.205 D; 0161.P.300.E; 0161.P.301 D received 1 March 2022;

0161.P.107 received 16 May 2022;

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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 **Construction Logistics**

All construction activity, including servicing, deliveries and access, shall be undertaken from the rear of the site via Arabin Road and no construction servicing, deliveries or access whatsoever shall be undertaken from Brockley Road.

**Reason:** In order to ensure satisfactory vehicle management and pedestrian safety 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).

### 4 **Materials and Design Quality**

(a) No above ground works shall commence on site (excluding demolition) until a detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following:

- i.* brickwork, mortar and pointing;
- ii.* roofing and panelling materials;
- iii.* dormers
- iv.* fascias, soffits and roof junctions;
- v.* windows, external doors and reveals;
- vi.* rainwater goods;
- vii.* boundary treatments and balustrades

has been submitted to and approved in writing by the Council.

(b) The works shall then be carried in full accordance with the approved details prior to the first occupation of the development, and retained thereafter.

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

### 5 **Refuse & Recycling Facilities**

(a) The development shall not be occupied, until details of the refuse and recycling facilities (including the design of the stores) for each residential unit hereby approved laid out in accordance with approved drawings 0161.P.101 E and 0161.P.105 E, 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

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of neighbouring occupiers and the area in general, in compliance with DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014) and Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (2011).

## 6 Cycle Parking

- (a) Prior to the occupation of the development, full details of the cycle parking facilities (including the design of stores) for 6 cycles laid out in accordance with approved drawings 0161.P.101 E and 0161.P.105 E, shall be submitted to and approved in writing by the local planning authority.
- (b) 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), Policies 14: Sustainable movement and transport and 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).

## 7 Hard Landscaping

- (a) Prior to the occupation of the development drawings and product specifications (including details of permeability) showing the 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), Policies 10 Managing and reducing the risk of flooding and 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).

## 8 Soft Landscaping

- (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

## 9 Living Roofs

- (a) Prior to installation, details of the proposed extensive biodiverse living roof systems and their maintenance (including a section drawing demonstrating a minimum substrate depth of 100-150mm), to be laid out in accordance with drawing 0161.P.107, shall be submitted to and approved in writing by the local planning authority.
- (b) The living roofs 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 roofs have 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 and maintained thereafter.

**Reason:** In order to maximise the contribution to urban greening and deliver high design quality and to comply with Policy G5 Urban greening in the London Plan (2021), Policies 10 managing and reducing flood risk, 12 Open space and environmental assets and 15 High quality design of the Core Strategy (June 2011), and DM Policies 24 Biodiversity, living roofs and artificial playing pitches, 30 Urban design and local character and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

## 10 Removal of Permitted Development Rights

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no external alterations or extensions shall be constructed to the new garden building hereby approved other than those expressly authorised by this permission.

**Reason:** To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

## 11 Construction Hours

No works, activity or deliveries in connection with construction works shall be undertaken 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 174 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).

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## 12 **Water Saving**

Mains water consumption shall be compliant with the Optional Requirement set out in Part G of the Building Regulations of 105 litres or less per head per day.

**Reason:** In order to minimise the use of mains water and to comply with Policy SI5 Water infrastructure of the London Plan (March 2021)

## 13 **Gas Boilers**

In the event gas boilers are proposed, details of the Ultra-Low NOx Gas fired boilers proposed to be installed shall be submitted to and approved in writing by the local planning authority prior to installation. The Ultra-Low NOx Gas fired boilers to be provided for space heating and hot water shall have dry NOx emissions not exceeding 40 mg/kWh (at 0% O<sub>2</sub>). Where any installations do not meet this emissions standard, they should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the council to verify boiler emissions. The approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

**Reason:** To manage and prevent further deterioration of existing low quality air across London in accordance with Policy SI1 Improving Air Quality of the London Plan (March 2021).

## 14 **Roof Terrace Screening**

The brick screen for the rear roof terrace shown on drawings 0161.P.101 E and 0161.P.201 D hereby approved shall be constructed prior to the occupation of the development and retained thereafter.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards 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.
- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before

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development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

- 3) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

## **12 BACKGROUND PAPERS**

1. Submission drawings
2. Submission technical reports
3. Internal consultee responses

## **13 REPORT AUTHOR AND CONTACT**

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