

Committee	PLANNING COMMITTEE C	
Report Title	17 Minard Road, SE6 1NS	
Ward	Lewisham Central	
Contributors	Samuel James	
Class	PART 1	28 <sup>th</sup> February 2021

Reg. Nos. (A) DC/20/116332

Application dated 27 March 2020

Applicant Resi on behalf of Mr Ozoilo

Proposal The construction of a part one, part two storey building, plus habitable roofspace at 17 Minard Road SE6 to provide 1, three bedroom and 1, four bedroom dwelling houses, together with the provision of 2 off-street car parking spaces, 5 bicycle spaces and refuse storage facilities.

Background Papers (1) Case File LE/667/17/TP  
(2) Local Development Framework Documents  
(3) The London Plan

Designation PTAL 2  
Previously Existing use: C3 single family dwellinghouse. Site currently vacant land.

Screening N/A

## 1 SUMMARY

- 1 This report sets out the officer's recommendation to approve the above proposal. The case is brought before members because permission is recommended to be approved and twenty-three individual planning objections have been received from local residents.

## 2 SITE AND CONTEXT

### *Site description and current use*

- 2 The site is a roughly triangular shaped plot of land located at 17 Minard Road. It is on the south-eastern side of Minard Road at the end of an existing terraced row, approximately 70m from the junction with Brownhill Road, and the last plot on this side of the street before the junction. A two-storey, end of terrace house previously stood on the land, but this was demolished in 2017 following an application for prior approval.

### *Character of area*

- 3 The surrounding area is characterised by two storey, double height canted bay dwellings set out in terraces. This section of Minard Road exhibits a strong architectural vernacular. The vast majority of surrounding dwellings are finished in red brick, bar a few exceptions, where the brick has been rendered and/or painted.
- 4 They style of the properties is consistent with that of the wider Corbett Estate, in which the proposal site is situated.

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

- 5 The site is not located within a conservation area, nor is it in the vicinity of any listed buildings.
- 6 There site is not within an area of archaeological interest.

#### ***Surrounding area***

- 7 The surrounding area is residential in nature, however there are various commercial uses and local shopping parades along Brownhill Road (A205) to the south. The site is within walking distance of Hither Green Rail Station.

#### ***Local environment***

- 8 The site is in flood zone risk area 1 meaning the risk of river flooding is low.
- 9 The site is within an area of designated Local Open Space Deficiency.

#### ***Transport***

- 10 The site has a PTAL rating of 2 on a scale of 1-6, where 1 indicates poor access to public transport, and therefore accessibility to public transport is below average for London areas. Hither Green Rail station is an approximate 12-minute walk from to site.
- 11 Minard Road is a public highway with a speed limit of 20mph. Minard Road forms a junction with Brownhill Road, a classified A-Road, approximately 70m to the south-west of the site.
- 12 The existing property benefits from a vehicular crossover to the highway.

### **3 RELEVANT PLANNING HISTORY**

- 13 There is significant planning history pertaining to this property but the most relevant is outlined below:
- 14 **DC/17/104165** - The construction of a 2 storey building including roof space at 17 Minard Road, SE6 to provide 2 x No. three bedroom houses and 1 x No. two bedroom house,

together with the provision of 3 car parking spaces, 6 bicycle spaces and a refuse storage area – **Refused 8th January 2018**, for the following reasons:

- 1. The proposed development, given its footprint, massing and proximity to the shared boundary with the properties along Brownhill Road, would not be in keeping with the prevailing plot coverage of the surrounding area and would represent a development which is disproportionate to the size of the application site, whilst also resulting in an unacceptable impact on the amenity of the occupiers of 315 Brownhill Road as a result of appearing overbearing, and on the amenity of the occupiers of 317 Brownhill Road due to increased overlooking and loss of privacy to their rear amenity space, contrary to Policy 7.4 Local Character and Policy 7.6 Architecture of the London Plan (2016), DM Policy 30 Urban design and local character of the Development Management Local Plan (2014), and Lewisham Core Strategy Policy 15 High quality design for Lewisham (June 2011).*
- 2. The proposed development, due to the depth, irregular shape and cramped nature of the outdoor amenity space for the end-terrace unit (Unit 3), would fail to provide an acceptable standard of accommodation, and is therefore contrary to Policy 3.5 Quality and Design of Housing Development of the London Plan (2016), DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (2014), Lewisham Residential Standards SPD (Updated 2012) and The London Plan Housing SPG (2016).*
- 3. The proposed cycle parking spaces would result in cycle parking which is not convenient to use or fully secure, contrary to Policy 6.9 of the London Plan (2016), and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).*

15 **DC/17/102697** - The demolition of the existing buildings and the construction of a 2 storey building including roof space at 17 Minard Road, SE6 to provide 3 three bedroom houses, together with the provision of 3 car parking spaces, 3 bicycle spaces and a refuse area – **Withdrawn 11th October 2017**.

16 **DC/16/099545** - The demolition of the existing buildings and the construction of a 2 storey building including roof space at 17 Minard Road, SE6 to provide 3 two bedroom houses, together with the provision of 3 car parking spaces, 3 bicycle spaces and a refuse area – **withdrawn 21st April 2017**.

17 **DC/16/095066** - Prior notification for the demolition of the existing two storey dwelling at 17 Minard Road SE6 – **Prior Approval not required 17th February 2016**.

18 **DC/14/090238** - The demolition of the existing buildings and the construction of a 2 storey building with basement and roof space at 17 Minard Road, SE6 to provide 2 one bedroom, 3 two bedroom and 1 three bedroom self-contained flats, together with the provision of 4 car parking spaces and 6 bicycle spaces – **Refused 16th April 2015**, for the following reasons:

- 1. The proposed development would result in the loss of a single dwelling house to the detriment of housing choice in the Borough, contrary to DM Policy 2 (Prevention of loss of existing housing) and DM Policy 3 (Conversion of a single dwelling to two or more dwellings) in the Development Management Local Plan.*
- 2. The proposed development, by reason of the location and design would result in an overbearing, dominant and visually intrusive form of development which would result in a loss of outlook, daylight/sunlight and increase the sense of enclosure on the occupiers at adjoining sites on Minard and Brownhill Roads contrary to Core Strategy Policy 15 High Quality Design for Lewisham of the*

*adopted Core Strategy (2011) and DM Policy 32 Housing design, layout and space standards, DM Policy 33 Development on infill sites, of the adopted Development Management Local Plan (2014).*

3. *The proposed development would result in a substandard living environment for future occupiers who would not benefit from adequate outlook, amenity/play space and natural light contrary to Policy 3.5 Quality and Design of Housing Developments and Policy 7.6 Architecture of the London Plan 2011; Core Strategy Policy 15 High quality design for Lewisham; Lewisham Council Residential Standards Supplementary Planning Document 2006, the Mayor of London's Housing Supplementary Guidance, November 2012 and DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan –(November 2014).*
4. *The proposed development by reason of the location and design would result in an incongruous form of development, unacceptable in principle and harmful to the character and appearance of the wider street scene and be contrary to Objective 10:Protect and enhance Lewisham's character; Policy 15: High Quality Design for Lewisham; in the adopted Core Strategy (2011); DM Policy 30 Urban design and local character; DM Policy 31 Alterations and extensions to existing buildings including residential extensions; DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill, backland, back garden and amenity area development of the adopted Development Management Local Plan (2014).*

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSAL**

19 The proposal is for construction of a part two storey, part single storey building plus habitable roof space consisting of two single family dwellinghouses (1, three bedroom, and 1, four bedroom).

20 The proposal includes off-street parking for two cars.

21 The proposal also includes landscaping works around the proposed building, and provision of 5 bicycle spaces and refuse storage.

### **4.2 Revisions during application**

22 During the course of the application assessment period, revisions were made to the proposal, including the addition of a dormer to the rear roofslope of the building, to accommodate an additional bedroom for each dwelling.

23 Other alterations include a reduction in the size of the 2-storey projection to the rear, and alterations to fenestration. Two parking spaces have also been removed from the proposal.

24 It is also noted that the proposed party wall width has been adjusted, which resulted in minor alterations to the internal configuration of the proposed dwellings. This was to ensure the existing party wall at No.17 Minard Road can be retained as a result of the proposed development. This amendment follows discussions between the applicant and the owners of No.15.

25 Interested parties were re-consulted on the revised proposals, in accordance with the Council's Statement of Community engagement.

## 5 CONSULTATION

### 5.1 APPLICATION PUBLICITY

26 Letters were sent to residents and business in the surrounding area and Ward Councillors on 14<sup>th</sup> May 2020.

27 23 responses were received from individual parties, comprising 23 objections.

28 Following revisions to the proposal, re-consultation letters were sent to residents in the surrounding area, including all of those who had already commented on 26<sup>th</sup> November 2020. Letters were received from 5 parties who had already commented, reiterating previous objections.

#### 5.1.1 Table [1] Comments in objection

Comment	Para where addressed
Objections to loss of previously existing original Corbett house, and construction of two dwellings. Contrary to DM2 and DM3.	52
Pre-Existing / existing plan accuracy	Pre-existing plans have been updated during course of application
Proposed building is out of character with the surrounding area. Corbett Estate is of special interest.	103
Proposed building does not respect local context or original Corbett houses	104
Windows do not align, bays do not match, materials do not match	104
Overdevelopment of plot	<b>Error! Reference source not found.</b> 70
2 storey rear element is not in accordance with policy and guidance in SPD	107
Floor to ceiling heights are insufficient	76
Loss of sunlight and overshadowing to neighbours due to 2 storey rear extension, with reference to "25 and 45 degree rule" tests.	146
Overlooking to neighbours / loss of privacy	134
Increased sense of enclosure	128
Cycle parking spaces not secure	171
Object to 4 parking spaces for proposed development	176

Objections were received relating to the positioning of the proposed party wall. Following the local meeting, the applicant's agent liaised with the owners of No.15, and an

agreeable solution for both parties was found. It is noted that the party wall detailing is not a material planning consideration, however the impact of internal alterations that result from the alteration to the position of the party wall have been considered where relevant.

## 5.2 Local Meeting

29 As more than ten valid planning objections were received, objectors, ward councillors and the developer were invited to attend 'Local Meeting'. This meeting was held on 12<sup>th</sup> November 2020. Due to the Covid-19 pandemic, this meeting was held in a virtual format, via Zoom. The meeting was chaired by Councillor Patrick Codd, and followed a webinar format. The Local Meeting was held in accordance with temporary changes to Lewisham's Statement of Community Involvement.

30 The developer was invited to give a short presentation on the scheme, followed by pre submitted questions which had been emailed to officers prior to the meeting. Follow up questions during the meeting were submitted via text on the Zoom web application.

31 The meeting was attended by nine local residents, Councillor Patrick Codd (Chair), Councillor Aisling Gallagher, the developer's planning agents, and planning officer Samuel James.

32 *Discussion*

33 The key concerns raised by objectors mirrored those received in writing. The key planning concerns were the impacts of the design of the proposal on the surrounding area and the impact on neighbouring amenity, particularly to No.15 Minard Road. Minutes are attached at **Appendix A** (at bottom).

## 5.3 INTERNAL CONSULTATION

34 The following internal consultees were notified on 14<sup>th</sup> May 2020.

35 Highways: comments incorporated and addressed into highways assessment.

36 Environmental Health: No comments received.

## 6 POLICY CONTEXT

### 6.1 LEGISLATION

37 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).

### 6.2 MATERIAL CONSIDERATIONS

38 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.

39 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.

40 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 the test of reasonableness.

### 6.3 **NATIONAL POLICY & GUIDANCE**

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

### 6.4 **DEVELOPMENT PLAN**

41 The Development Plan comprises:

- 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)

### 6.5 **SUPPLEMENTARY PLANNING GUIDANCE**

42 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)

43 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)

### 6.6 **OTHER MATERIAL DOCUMENTS**

- On 29<sup>th</sup> January 2021, The Secretary of State wrote to the Mayor of London confirming all necessary directed modifications to the Intent to Publish London Plan (December 2020) had been conformed with, and confirmed the new London Plan could now be published. The Publication London Plan (January 2021) is now a significant material consideration when determining planning applications.

## **7 PLANNING CONSIDERATIONS**

44 The main issues are:

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



## 7.1 PRINCIPLE OF DEVELOPMENT

### *General policy*

45 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.

46 Publication London Plan (PLP) at Table 4.1 sets a 10 year housing completion target of 16,670 new homes between 2019 and 2029 for Lewisham, and PLPPH1 requires boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites through their planning decisions.

### *Policy*

47 The National Planning Policy Framework (NPPF 2019) speaks of the need for delivering a wide choice of high quality homes, which meet identified local needs (in accordance with the evidence base), widen opportunities for home ownership, and create sustainable, inclusive and mixed communities.

48 NPPF Chapter 11 outlines that planning decisions should make effective use of land by promoting and supporting under-utilised land and buildings, particularly where they would contribute to housing need and where sites could be used more effectively.

49 NPPF Chapter 12 seeks to achieve well-designed places and seeks to ensure that developments are visually attractive. London Plan Policy 3.4 supports new housing schemes where the local character and context are well considered.

50 PLPP H2 requires boroughs to pro-actively support well-designed new homes on small sites in order to help achieve the targets set out in Table 4.2. Lewisham has a ten year target to deliver 3,790 new dwellings on small sites.

51 Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' which links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need. The Core Strategy recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025.

52 DMP 2 *Prevention of loss of existing housing* sets out that planning permission for loss of housing by demolition will only be granted in a limited set of circumstances. DMP 3 *Conversion of a single family house to two or more dwellings* sets out that planning permission will normally be refused for the conversion of a single family house into flats. The general aims of these policies is to protect the loss of the existing housing stock, and the loss of family housing respectively, to ensure an adequate supply and genuine choice of homes for residents of Lewisham.

53 The house that previously existed at No.17 was a three bedroom, single family dwellinghouse. That property was demolished following an application for prior approval to demolish in 2017. Planning permission was not required for this, and this proposal for demolition was not required to be assessed against DMP2 or DMP3 at the time because the demolition was Permitted Development – only the methodology of demolition could be assessed by the Council.

54 The current proposal is for the construction of two new dwellinghouses of three and four bedrooms, meaning that as a result of the proposal there would be an additional family sized dwellinghouse, compared to the previously existing situation. The principle of development is therefore acceptable as there would be an increase in provision of family

housing in line with the Development Plan, and the proposal would not be contrary with DMP2 nor DMP3.

55 The overall acceptability of the scheme is subject to a proposed building of an appropriate scale and design, which would have an acceptable impact on the surrounding area, including on the amenities of neighbours and the local highways network. These matters are discussed in the following sections of this report.

#### **7.1.1 Principle of development conclusions**

56 The site will make a valuable contribution towards meeting housing needs as identified in PLPPH1 and H2 to increase housing supply and optimise housing potential of the site. The proposal will make the most efficient use of the land and officers therefore support the principle of development. This is subject to a residential scheme of an appropriate design, siting, height, and scale, whilst ensuring that neighbouring amenity is maintained, and a good standard of accommodation is provided.

## 7.2 HOUSING

57 This section covers: (i) the contribution to housing supply, including density; (ii) the dwelling size mix; (iii) the standard of accommodation. Contribution to housing supply

### *Policy*

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

59 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF sets out the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

60 The NPPF encourages the efficient use of land subject to several criteria set out in para 122. Para 123 applies where there is an existing or anticipated shortage of land for meeting identified housing needs and strongly encourages the optimal use of the potential of each site.

61 The new PLPP supports the most efficient use of land and development at the optimum density. Defining optimum is particular to each site and is the result of the design-led approach. Consideration should be given to: (i) the site context; (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport (including PTAL); and (iii) the capacity of surrounding infrastructure.

62 The PLP sets a 10 year housing completion target of 16,670 new homes between 2019 and 2029. National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes. NPPF para 61 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.

63 CSP 1 echoes the above with several other criteria and expects the provision of family housing (3+ bedrooms).

### *Discussion*

64 The proposal is for two new family sized dwellings, and the site measures approximately 0.04 hectares in a residential area.

65 The surrounding area comprises of predominantly blocks of perimeter form urban terraced housing of 2-stories in height. The A205 (Brownhill Road), which has a mix of commercial uses, and is a busy main road runs close to the site, and therefore the area is characterised as being urban,

66 Table 2 below sets out the measures of density criteria required by New PLPP D3 for all sites with new residential units.

**Table [2]: Measures of Density**

<b>Criteria</b>	<b>Value</b>	<b>Value/area</b>
Site Area (ha)	A 0.04	BLANK
Units	W 2	W/A: <b>50 U/Ha</b>
Habitable rooms	X 10	X/A: <b>250 Hr/Ha</b>
Bedrooms	Y 7	Y/A: <b>175 Br/Ha</b>
Bedspaces	Z 12	Z/A: <b>300 Bs/Ha</b>

### *Summary*

- 67 The new PLP no longer includes the density matrix, which was included in the previous London Plan and states that appropriate density should be achieved through a design led approach.
- 68 Policy D6 of the new PLP states for London to accommodate the growth identified in this Plan in an inclusive and responsible way every new development needs to make the most efficient use of land. This will mean developing at densities above those of the surrounding area on most sites.
- 69 Whether the scale of development is appropriate for the site and surrounding area, the impact on neighbouring occupiers, and accessibility are all relevant factors when determining optimum density, and these are considered in following sections of this report.
- 70 Subject to the following matters, the proposed density is acceptable, and would not result in an over-intensification of the site. The proposed development would result in a more efficient use of the land and increase housing supply in line with the new PLPP.

## **7.2.1 Residential Quality**

### *General Policy*

- 71 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the Publication London Plan (PLPPD4 and D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).
- 72 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 space standards***

#### *Policy*

- 73 The 'Technical housing standards – nationally described space standards' sets out the minimum floorspace requirements for dwellings.
- 74 DMP 32 'Housing design, layout and space standards' and PLPP D6 of the new Publication London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan (2017). In particular, it provides detail on how to carry forward the Mayor's view that "providing good homes for Londoners is not just about numbers. The quality and design of homes, and the facilities provided for those living in them, are vital to ensuring good liveable neighbourhoods".

#### *Discussion*

75 The table below sets out proposed dwelling sizes.

**Table [3 ]: Internal space standards – proposed v target**

House No.	Unit type ( <i>min req. GIA</i> )	Unit size (GIA) (sqm)	Room sizes (metres squared)( <i>min req.</i> )	Floor to ceiling heights (metres)	Amenity space (m. squared)	Compliance
1	3b 5p 3-storey dwelling (99)	103	Bed 1 (double) –13.7 (11.5) Bed 2 (single) – 9.5 (7.5) Bed 3 (double) -17 (11.5)	2.7	46 (10)	Yes
2	4b 7p 3-storey dwelling (121)	132	Bed 1 (double) – 17.3 (11.5) Bed 2 (double) – 16.5 (11.5) Bed 3 (single) – 8 (7.5) Bed 4 (double) – 18 (11.5)	2.7	55 (11)	Yes

76 The floor to ceiling heights would be approximately 2.7m for the majority of rooms within the dwellings, which exceeds the requirements of Policy DM32 and PLPP D6, which require a minimum of 2.5m.

77 It is noted that PLPP D6 recommends a minimum floor to ceiling height of 2.5m for at least 75% of the Gross Internal Area of each dwelling, which would be exceeded.

78 The bedrooms in the loft have one side of their ceiling sloping due to the pitch of the roof. Approximately 1.3m<sup>2</sup> of each of these bedrooms would have a floor to ceiling height of less than 1.5m at the sloping side. Based upon the PLPP D6, this should not be counted in the overall GIA. This is not a significant area. As these rooms are significantly larger than the minimum required floor area for double bedrooms, this would not reduce the usable area of the rooms below the minimum requirements, and the rooms are compliant with the standards and considered to provide a high level of amenity.

79 The proposed houses would both exceed the minimum requirements in terms of overall floor areas, and in terms of the sizes of individual bedrooms. It is therefore considered that future occupiers would be provided with a high standard of residential amenity, in line with policy DM32.

### **Outlook & Privacy**

#### *Policy*

80 Publication London Plan Policy D1(8) requires development to achieve ‘appropriate outlook, privacy and amenity’. Within the same document, policy D4 seeks to maximise the provision of dual-aspect dwellings (i.e. with openable windows on different elevations).

81 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

### *Discussion*

- 82 Given both dwellings would have dual aspects, and the amount of glazing proposed, they would be provided with good levels of outlook overall. It is noted that the rear bedroom at first floor level (bedroom 2) of House 1 would have an obscure glazed window up to 1.7m, however as this would be a single bedroom, and there would be outlook from the high level clear glazing, as well as the rooflight, this is considered acceptable.
- 83 The proposed houses would not be directly overlooked by existing neighbouring properties, and therefore the levels of privacy would be acceptable.
- 84 Overall the levels outlook and privacy provided to future residents would be acceptable, in line with Policy DM32.

### ***Daylight and Sunlight***

#### *Policy*

- 85 The London Housing SPD and the Lewisham Alterations and Extensions SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces. PLPP Table 3.2 states that site layout, orientation and design of dwellings should provide privacy and adequate daylight for residents.

#### *Discussion*

- 86 The proposed houses would all be provided with good levels of glazing, and they would all have windows on the south easterly and north westerly elevations. Due to the levels of glazing proposed, residents would be provided with acceptable levels of natural daylight and sunlight. It is noted that living areas and amenity spaces are located facing south, to provide optimum levels of lighting to the most needed areas.

### ***External space standards***

#### *Policy*

- 87 Standard 4.10.1 of the Mayor's Housing SPG states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'.

#### *Discussion*

- 88 Each unit would be provided with a private amenity space in the form of rear garden. Table 3 above shows that they would both be provided with significantly larger than the minimum required private amenity space. The gardens are on the southerly face of the proposal for optimum daylight and sunlight. The shape of the gardens is considered suitable for children's play.
- 89 The gardens would be located at the rear of the house and would therefore be afforded sufficient privacy for a garden in an urban area. They would be overlooked to a similar degree to the previously existing garden for No.17 Minard Road, and other surrounding properties and are therefore considered to be acceptable.

### ***Summary of Residential Quality***

- 90 In summary, the quality of the proposed residential dwellings would be high. Each dwelling would exceed the relevant internal and external space standards, would be

provided with good levels of internal natural daylight and sunlight, appropriate levels of outlook and privacy, and good sized private external amenity space, in line with the previously mentioned policies.

## **7.2.2 Housing conclusion**

91 The proposal would deliver two new family sized dwellings, which would be provided with a high standard of residential amenity. It would contribute one additional unit to the Borough's housing targets in a predominantly residential and sustainable urban location, making the more efficient use of land and increasing housing density. This is a planning merit to which very significant weight is given.

## 7.4 URBAN DESIGN

### *General Policy*

- 92 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 93 PLPP Table 3.2 states the built form, massing and height of development should be appropriate for the surrounding context.
- 94 CSP 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 95 DMP 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.
- 96 DM Policy 33 relates to development on infill sites, and states that development will only be permitted where they:
- 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 identified in Table 2.1 Urban typologies in Lewisham and to the special distinctiveness of any relevant conservation area
  - c. result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens
  - d. provide appropriate amenity space in line with DM Policy 32 (Housing design, layout and space standards)
  - 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.

### 7.4.1 Appearance and character

#### *Policy*

- 97 In terms of architectural style, the NPPF encourages development that is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (para 127). At para 131, the NPPF states great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area.
- 98 PLPPD3 states that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Proposals should be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.
- 99 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.



100 DM Policy 32 expects new residential development to be attractive and neighbourly.

101 DM Policy 33 relates to development on infill sites, and sets out a number of specific requirements for development of these sites.

*Discussion*

102 The surrounding area is characterised by two storey, double height canted bay dwellings set out in terraces. This section of Minard Road and surrounding streets exhibit a strong architectural vernacular. The dwellings are largely red brick, bar a few exceptions, which have been painted.

103 The proposed building would be of the same height as the adjoining terrace, the roof pitch would match, and the width of the building would be the same as the building which previously stood on site, and the existing properties along the terrace, though it would contain two instead of one terraced houses. The footprint of the proposed building is slightly larger than that which previously existed on site at the rear, but the overall scale of the proposal is comparable. Therefore, the proposal respects the scale and massing of surrounding development.

104 The proposal incorporates two double height forward projections to the front elevation, in roughly similar positions to the bays of the house which previously stood on site. This is an interpretative design cue from the prevalent two storey bays on surrounding properties. The proposal includes a similar solid to void ratio and glazing proportions to the front elevation when compared with surrounding properties, though the design is a modern interpretation of the existing street style and typology rather than a pastiche. The building would be built in similar red brick with a concrete tiled roof.

105 A more modern approach would be taken with the introduction of vertical zinc cladding which would be used on the first floor front elevation protrusions and on the roof of the single storey side element. The windows would be aluminium framed and the doors would be aluminium/timber. Zinc is considered a high quality material. Final details of materials are recommended to be secured by condition, to ensure the choice of brick matches as closely as possible with adjoining properties, and other materials are high quality and durable as required by DMP30.

106 To the rear of the building, it would feature a 3.6m deep single storey projection, with a 2m deep first floor projection above, which would be set in from the main side elevations by 1m. This would have an acceptable appearance, similar to a domestic rear extension. Objections relating to the rear projection have been received, with the suggestion it is contrary to policy, and the guidance set out in the Alterations and Extensions SPD.

107 There are no planning policies prohibiting 2-storey rear extensions, and the alterations and extensions SPD states that 2 storey rear extensions may be achieved where they are well designed, and do not dominate the host building.

108 The 2-storey element of the rear projection would be moderate in scale, projecting just 2m from the main rear elevation, and set away from the shared boundaries. It would read as a subordinate addition to the main building, and would not result in harm to the appearance of the surrounding area. It is noted that the part-single, party two-storey projection was reduced in scale during the course of the application.

109 At roof level at the rear the proposal includes a dormer. This element was added to the proposal during the course of the application assessment. The proposed dormer would be moderate in scale, being clearly set in from each of the party wall and the side elevation, as well as down from the ridgeline and back from the eaves of the roof. This element is proposed to be finished in zinc, which is a high quality and durable material.

- 110 The Council's Alterations and Extensions SPD (2019) gives guidance on rear roofslope extensions. It states that they must be set in from the party wall on each side by at least 0.3m, a minimum of 0.3m below the ridge line, 0.3m from the edge of any hip and at least 0.3m above the existing eaves line. The proposed dormer complies with the SPD, and officers consider it would have a high quality appearance.
- 111 It is therefore considered that the design of the proposed building would respect the height, massing and scale of surrounding buildings, and would be a high quality addition to the street, which would have a positive impact on the character and appearance of the area.

### **Layout and landscaping**

#### *Policy*

- 112 DMP 25 requires the submission of a landscape scheme, including 5 years of management and maintenance of high quality hard and soft landscapes and trees.
- 113 Policy DM32 requires the siting and layout of new residential development to respond positively to the site specific constraints and opportunities as well as to the existing context of the surrounding area. They must also meet the functional needs of future residents.

#### *Discussion*

- 114 The building would be in the same position, and would have a similar footprint to the house which previously stood on site, however to the rear it would have a part single, part two storey 'extension', and to the side where the garage once stood would also be a single storey side 'extension'.
- 115 Each house would have its own front door, and would be accessed via a segregated pedestrian pathway.
- 116 The submitted landscaping scheme is indicative at this stage, but indicates grassed areas and a tree to the front garden area.
- 117 The private gardens would be to the rear, and the side of the proposed building, and a significant area to the front would remain soft landscaped, with hardstanding used only for the pedestrian path, and off-street parking spaces.
- 118 Overall the proposed layout makes good use of the site, subject to assessment of the final scheme of landscaping, which is proposed to be secured by condition.

### **7.4.2 Urban design conclusion**

- 119 In summary, the proposed building is considered to be a high quality, site specific response that would create interest at this currently under optimised site. It is of an appropriate height and scale, and would use high quality materials. The design of the proposal is therefore acceptable, and in line with the aforementioned policies.

## 7.6 LIVING CONDITIONS OF NEIGHBOURS

### *General Policy*

- 120 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the Publication London Plan PLPP D3, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA).
- 121 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.
- 122 The surrounding area is residential in nature.

### **7.6.1 Enclosure and Outlook**

#### *Policy*

- 123 Policy DM32 expects new residential development to result in no harmful increased sense of enclosure and no significant loss of outlook to neighbouring dwellings.

#### *Discussion*

- 124 *No.15 Minard Road (adjoining to the easterly side):* The single storey element of the proposed part-single, part-two storey protrusion would extend past the rear elevation of No.15 by 3.8m, and would have a height at the eaves along the boundary of 2.6m. The single storey element would have some impact on the outlook of the closest rear facing window at ground floor level, however at the moderate height of 2.6m, this would not be so significant to cause a harmful sense of enclosure or overbearing.
- 125 The first floor element would be set away from the shared boundary with No.15 by 1m, and would have a depth of 2m. 45 degree tests taken from the closest first floor and ground floor rear facing widow and glazed door suggest that a first floor structure of this scale would not significantly impact on the outlook from these windows, and would therefore cause no harmful increased sense of enclosure or overbearingness.
- 126 No.15 has a small single storey extension along the boundary with No.13 Minard Road, which is approximately 6.5m from the shared boundary with the host property. This structure has windows facing towards the host site, which could have its outlook impacted by the proposed 2-storey extension. Officers consider, the 2-storey element would be approximately 7.5m from these windows, and due to its limited depth of 2m, this impact would not be harmful. Notwithstanding this, due to the size of this extension, it is unlikely to contain a main habitable room.
- 127 Concern has been raised that the proposed bays to the front could harm the outlook or cause an increased sense of enclosure to the adjacent front bay window at No.15. The proposed first floor bay window would have a depth of approximately 1m from the front elevation and would therefore be visible from certain angles when looking out of the side facing bay windows at No.15. Although it would be visible, due to its limited depth of 1m and the 0.65m separation distance from the outer bay window at No.15, this would not cause a significant loss of outlook, or sense of enclosure.
- 128 The impact on outlook to No.15 is therefore considered to be acceptable, as it would not result in a significantly harmful increased sense of enclosure nor overbearing to occupants of No.15 Minard Road

129 *Properties on Brownhill Road, which adjoin to the rear.* The two storey element of the building would be a minimum of 16m from the rear elevation of No.317 and 319 Brownhill Road and the building would not directly face these properties, but would be at an approximate 45 degree angle. At this distance there would be no significant impact in terms of loss of outlook to the rear of these properties. Furthermore the two storey element of the proposal would be at least 3m from the rear boundary of these properties, and due to the off-set angle, this would not cause any significant sense of enclosure to the occupants.

## **7.6.2 Privacy**

### *Policy*

130 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

131 DMPP 32 states that adequate privacy is an essential element in ensuring a high level of residential amenity. Unless it can be demonstrated that privacy can be maintained through design, there should be a minimum separation of 21 metres between directly facing habitable room windows on main rear elevations. This separation will be maintained as a general rule but will be applied flexibly dependent on the context of the development.

### *Discussion*

132 Brownhill Road Properties: It is noted that the rear elevation of the proposed building would not directly face the rear elevations of Brownhill Road properties. The first floor rear facing windows would all be obscure glazed to avoid direct overlooking of Brownhill Road properties and their amenity spaces. The second floor rear elevation windows serving the proposed dormer would be the same distance to Brownhill Road properties as the previously existing first floor windows of No.17, and therefore they would not cause any harmful loss of privacy to neighbours.

133 No.15 Minard Road: No windows would overlook this property directly, and the impact of the new second floor windows would be similar to the previously existing first floor windows of No.17.

134 In light of the above, the impact to neighbouring privacy would be acceptable, in line with Policy DM32, and the London Housing SPD (2017). .

## **7.6.3 Daylight and Sunlight**

### *Policy*

135 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.

136 The Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight' 2011, sets out standardised criteria for the assessment of planning applications including the 25 degree, and 45 degree 'rules'.

### *Discussion*

- 137 No daylight and sunlight impact assessment has been submitted, which is usual, and acceptable for a development of this scale.
- 138 Officers consider the only property which could potentially be impacted by the proposal in terms of daylight and sunlight would be No.15 Minard Road, due to the proposed part single, part two storey rear projection. Other than this element to the rear, the massing and scale of the proposed building is commensurate to that which previously stood on site, and therefore the impact on daylight would not be significantly altered.
- 139 The 45 degree 'rule' test should be used where the proposed development is at right angles to the affected window of the neighbouring property:
- Draw a line at 45 degrees upwards from the centre of the affected window.
  - Draw a line at 45 degrees sideways from the centre of the affected window.
- 140 If the proposed development is **both** higher and wider than these 45 degree lines, there **may** be an unacceptable loss of daylight to the affected window.
- 141 Ground floor glazed door closest to the boundary at No.15:
- The 'upwards' 45 degree tests taken from the glazed door would clear the single storey element, however the line would clip the proposed 2-storey element, near its roofline. This does not suggest a significant level of harm.
  - The 'sideways' 45 degree test taken from the ground floor plan would not clear the single storey element, however it would clear the 2-storey element. It is usual for a single storey extension to not pass the sideways 45 degree test.
- 142 This suggests that whilst there may be some impact to the ground floor glazed door, that it would not be significantly harmful. Furthermore, due to the limited 2m depth of the first floor element and its set away from the boundary, together with the south-easterly orientation and large amount of glazing to the door that the impact on levels of light would be acceptable.
- 143 First Floor window closest to boundary at No.15:
- The 'upwards' and 'sideward' 45 degree tests show there would be no significant impacts to this window.
- 144 The 25 degree 'rule' test is used where the proposed development faces the affected window of the neighbouring property. The impacts to the ground floor side facing window (within rear extension at No.15) can be assessed using this test. The 25 degree line taken from this window shows that there could be some impact to the levels of daylight reaching this window, but that this would be minimal. Considering the limited 2m depth of the 2-storey element, and the south-westerly orientation, the impacts on levels of daylight to this room would not be significantly harmful. Furthermore, this room does not appear to be a main habitable room, based upon its relatively small size.
- 145 Concern has been raised that the proposed front bay window could have an impact on levels of light reaching the front bay window of No.15. The 1m depth of the proposed front bays would ensure there would not be a significant impact on levels of daylight reaching No.15. Furthermore the front elevations are north-westerly facing, and therefore levels of sunlight reaching these windows is already heavily restricted by the main building, and would have been affected similarly by the house which previously stood at No.17.

*Summary*

- 146 Although no sunlight and daylight impact assessment has been submitted, officers have assessed the impact of the proposal on levels of sunlight and daylight to neighbouring properties using the appropriate 45 and 25 degree 'rule' tests, and their professional planning judgement, and are satisfied that the impacts would not be significantly harmful.
- 147 This conclusion also takes account of the planning history of the site. Officers note the current scheme is of a commensurate massing and scale to the demolished dwelling, and would have commensurate daylight/sunlight impacts to adjoining properties.
- 148 The proposal would be in line with Policy DM32 and DM33 in these respects.

#### **7.6.4 Noise and disturbance**

##### *Policy*

- 149 DM policy 32 requires new residential development to be neighbourly, and development in residential areas should not result in harm to existing residents through unsociable noise and disturbance.

##### *Discussion*

- 150 Two residential dwellings unlikely to generate a significantly higher level of comings and goings and general residential activity than the previously existing single family dwellinghouse, and as this is a residential proposal, in a residential area the proposed use is compatible and the levels of domestic noise generated are unlikely to be significantly harmful to neighbouring residents.
- 151 Notwithstanding this, a new dwellinghouse would be covered by Part E of the Building Regulations and the adjoining owner has rights under the Party Wall Act. Both of those pieces of legislation would provide appropriate mitigation to this issue and are separate to Planning and would bite in this situation.
- 152 Nevertheless, officers have considered the potential for harmful noise impacts to the living conditions of neighbours, both in terms of noise break-in from airborne noise and structural-borne noise, and conclude that harmful impacts would not arise. Officers reach this conclusion on the basis that this proposal is for 2 family-sized dwelling houses in an area of predominantly family housing, therefore airborne noise generated by the scheme would not be materially different to the existing situation (and that which existed before the house was demolished). In terms of structural-borne noise, officers consider the proposed use, in light of the previous use prior to the demolition of the house and the mitigation measures afforded by separate legislation (Building Regulations and Party Wall act), would not give rise to harmful impacts on amenity.

#### **7.6.5 Impact on neighbours conclusion**

- 153 The impact on neighbouring residential amenity has been assessed against the relevant policies and guidance, and no significant harm has been identified to neighbouring occupiers' residential amenity.

## 7.7 TRANSPORT IMPACT

### *General policy*

- 154 NPPF Paragraph 108 states that planning decisions should ensure safe and suitable access to the site for all users, and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 155 Para 109 of the NPPF states 'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or on the residual cumulative impacts on the road network would be severe'.
- 156 CSP 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.
- 157 The site has a PTAL rating of 2, on a scale of 0 (worst) to 6b (best) accessibility to public transport, meaning it is relatively poorly accessible.

### **7.7.1 Access**

#### *Policy*

- 158 The London Plan policies comply with the NPPF aims in relation to sustainability. It aims to increase sustainable modes of transport through promoting cycling and walking within new development.

#### *Discussion*

- 159 Pedestrian accessibility to the site is considered to be good, as Minard Road is paved on both sides of the street.
- 160 The property benefits from an existing vehicular crossover, but this would be removed as part of the proposal. Two new vehicular crossovers would be constructed to access the proposed off-street parking spaces.
- 161 Accessibility to the proposed dwellings is considered to be good.

### **7.7.2 Local Transport Network**

#### *Policy*

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

#### *Discussion*

- 163 Due to the scale of development, the proposal would not have a significant impact on the local transport network in terms of capacity of the road network, or public transport.
- 164 The site is not in a controlled parking zone. The proposed provision of on-site car parking would be one space per dwelling, which is sufficient to ensure there would be no harmful impacts to surrounding streets in terms of parking capacity.

165 A preliminary construction management plan has been submitted, and a full Construction Management would be secured by condition, to ensure the impacts of construction vehicles on the local highway network would be acceptable.

### **7.7.3 Servicing and refuse**

#### *Policy*

166 DM Policy 32 requires new developments to have appropriate regard for servicing of residential units, including refuse.

#### *Discussion*

167 The proposal includes provision for the storage of refuse for each dwelling, in separate stores towards the front of the site. The positioning and size of the bin stores appears to be acceptable, however final details of these are recommended to be secured by condition.

### **7.7.4 Transport modes**

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

#### *Policy*

168 PLPP T5 cycling states that Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.

169 Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.

170 CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised.

#### *Discussion*

171 A bicycle store for five bikes would be provided within the proposed development, in the western corner of the site. This is in line with current London Plan Table 6.3, and DLPP table 10.2. The cycle parking spaces would be secured by condition, to ensure they are secure and dry.

#### ***Car parking***

#### *Policy*

172 Policy T6 of the Publication London Plan states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite').

#### *Discussion*

173 The proposal includes a relatively high level of parking provision at one space per dwelling; however, this is justifiable considering the relative poor accessibility (PTAL 2) of the site, and that both properties would be larger family sized dwellings.



- 174 Highways officers have raised concerns that the proposal is not compliant with Policy T6 of the Publication London Plan, which recommends a maximum of 0.5 spaces per new dwelling for inner London areas with a PTAL rating of 2.
- 175 However, considering one additional dwelling is being proposed, and one additional off-street parking space would be provided compared to the previously existing situation, on a balance, the one additional parking space this is not sufficient grounds to warrant refusal of the application only on the basis the existing London Plan has not yet been superseded. No severe impact to the highway network, nor any impact to highway safety has been identified.
- 176 It is also noted that four parking spaces were originally proposed, and this has been reduced to 2. On a balance therefore the provision of parking is considered to be acceptable.

### **7.7.5 Transport impact conclusion**

- 7.8 The proposed residential development would have an acceptable impact on the surrounding transport network. The pedestrian and vehicular accesses would result in no material safety implications, and the development would have no significant impact on the wider transport network, in line with the relevant local and national policies.

## 7.9 LOCAL FINANCE CONSIDERATIONS

177 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).

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

179 The CIL is therefore a material consideration, and this would be confirmed at a later date in a Liability Notice.

## 8 EQUALITIES CONSIDERATIONS

180 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.

181 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.

182 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.

183 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>

184 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

185 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>

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

- 187 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
  - Article 9: Freedom of thought, belief and religion
  - Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 188 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.
- 189 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.
- 190 This application has the legitimate aim of providing a new building with residential uses. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

## 10 CONCLUSION

- 191 This application has been considered in the light of policies set out in the development plan and other material considerations
- 192 The proposed residential development would achieve a number of the urban design and spatial planning objectives set out in the Core Strategy, including the following planning merits to which significant weight is attached:
- Increasing the housing potential of an underused residential site, including one additional family sized dwelling.
  - Comprising an appropriate scaled and high quality building that takes account of the existing context, including neighbouring residential amenity.
- 193 The scale of the proposed development is acceptable, and the building has been designed to respond to the context and constraints including adjacent residential development.
- 194 The proposal would maximise the potential of the site and the development would provide a high standard of accommodation for future residents of the proposed family sized homes.
- 195 Given the acceptability of the proposed use and policy compliance, the proposal is considered to be in accordance with the development plan as a whole.
- 196 The revised NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended mitigation, planning conditions and obligations in place, the scheme is consistent with national policy
- 197 In light of the above, the application is recommended for approval.

## 11 RECOMMENDATION

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

### 11.1 CONDITIONS

#### 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:

1239-PL-05 Rev.E; 1239-PL-06 Rev.E; 1239-PL-07 Rev.E; 1239-PL-08 Rev.E; 1239-PL-09 Rev.E; 1239-PL-10 Rev.B; 1239-PL-11 Rev.D; 1239-PL-12 Rev.A Received 26 November 2020

1239-PL-01; 1239-PL-02 Rev.A; 1239-PL-03 Rev.A; 1239-PL-04 Rev.A Received 17 July 2020

**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 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, and 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. It must include swept path analysis if vehicles are to enter the site
- (b) Rationalise where materials and waste will be stored, and where safe and legal loading can take place.
- (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 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

### 4. Residential Soundproofing

- (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.
- (b) The development shall not be occupied until a sound insulation scheme pursuant to paragraph (a) has been approved in writing by the local planning authority and implemented in its entirety.
- (c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety.

Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

**Reason:** To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, 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).

5. Materials details

No development above ground shall commence on site until a detailed schedule and specification of all external materials and finishes, windows and external doors and roof coverings to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

6. Refuse Storage details

- (a) The development shall not be occupied until full details of proposals for the storage, and collection of refuse and recycling facilities, including enclosed bin storage, for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

7. Cycle Parking Details

- (a) Prior to first occupation, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority.
- (b) 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 14: Sustainable movement and transport of the Core Strategy (2011).

8. Hard Landscaping Details

- (a) Prior to above ground works 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 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2015), 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.

#### 9. Soft Landscaping

- (a) A scheme of soft landscaping (including details of any 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 construction of the above ground works.
- (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.

**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 Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

#### 10. Boundary Treatments

- (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments 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, and DM Policy 33 Infill, backland, back garden and amenity area development of the Development Management Local Plan (November 2014).

#### 11. External Lighting Scheme

- (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.

- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

**Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

12. The development hereby approved shall not be occupied until the vehicular access as shown on plan 1239-PL-05 Rev.E has been constructed in full accordance with the said plan.

**Reason:** In order to ensure that satisfactory means of access is provided and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

13. Prior to the commencement of the development, an agreement pursuant to S278 of the Highways Act 1980 shall be entered into for works to remove the existing vehicular crossover and the reinstatement of the footway. The works the subject of the agreement shall be completed prior to the occupation of the development hereby approved.

**Reason:** To increase on-street parking provision, and to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

14. Removal of Permitted Development Rights

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

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

15. Obscure Glazing to first floor rear windows

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the windows to be installed in the rear elevation at first floor level of the building hereby approved shall be fitted with obscure glazing, as shown on Plan No.1239-PL-07 Rev.E and retained in perpetuity.

**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 and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

16. Amenity Space

The whole of the amenity space hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

**Reason:** In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014).

17. Construction Works and Delivery Hours

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 120 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).

11.2 **INFORMATIVES**

- A. **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 and proactive discussions took place with the applicant prior to the application being submitted through pre-application discussions. Furthermore, during the course of assessment of the application positive discussions took place which resulted in further information being submitted.
- B. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- C. You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- D. 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.
- E. The developer is reminded of their responsibility to ensure appropriate party wall agreements are in place, prior to commencement of works.

## Appendix A

Meeting opened at 19:00

Councillor Patrick Codd introduced themselves and other Panel members: Councillor Aisling Gallagher – Lewisham Central Ward Councillor; Sam James - Planning Officer; Mark Hood – Planning Agent for Resi, and Antoine Edgehill, Architect for Resi.

The reason for the virtual meeting was outlined: to discuss planning application DC/20/116332. The purpose of this meeting is to allow residents to ask questions of, and put their views to, the developer and Council officers. The meeting format was explained, including how the questioning process would work, following the Planning Agent's presentation.

Mark Hood, planning agent gave a short opening statement and presentation of the proposal, and summarised the design intent and other facts of the case.

Following the presentation, the meeting proceeded in 'themes' which broadly covered each of the main material planning considerations pre submitted questions were read out by Cllr Codd, followed by follow up comments or questions in the text chat function. Cllr Gallagher kept track of comments and questions in the chat function throughout

The order of discussion was to be as follows:

1. Principle of development
2. Design and impact on appearance of surrounding area
3. Impacts to neighbouring amenity
4. Highway impacts
5. Other concerns and considerations

The first theme of questioning was the principle of development, and the main concern related to whether the proposal complied with DM2 and DM3. It was explained by the planning officer that the previously existing house was demolished under prior approval, with limited scope for the Council to object to this. As the current proposal is for two family sized dwellings on a vacant plot of land, it would result in a net gain of family housing, and is therefore compliant with DM2 and DM3. The officer explained the DM2 and DM3 remains relevant and applies to existing single family dwellinghouses, which are protected from being sub-divided into smaller residential units (i.e. flats).

The second theme related to the design of the proposal and its impact on the appearance of the surrounding area. Questions and comments related to how and whether the design successfully relates to the surrounding area, and particular concern was raised over the impact to the character of the Corbett Estate. Clarifications were also sought around the height of the proposal, window alignment and whether the two storey rear addition was policy compliant, and the proposed number of occupants for each dwelling, and whether the space standards were met.

The planning agent explained that they had designed the proposal to be in keeping with the scale of existing houses, and clarified that the height would match, and windows broadly align. They explained how the design had evolved significantly since previous iterations, with the help of pre app advice, and the footprint and height of the building was now in keeping with the previously existing house. The brick was proposed to match the neighbouring houses, and the intent was to provide a modern building, which nods to surrounding development, through the projecting front bays, but does not provide a pastiche response. The planning officer stated that development is not expected to directly replicate the design of neighbouring buildings, and that a modern interpretation can remain respectful to surrounding development, also confirmed that the brick would be conditioned to ensure a good match, and that zinc was considered a high quality material. The planning officer also confirmed that 2-story rear extensions are not contrary to the Local Plan, and that in this case the 2-storey protrusion was of a moderate scale, which would not harm the appearance of the surrounding area, and would be set away from the shared boundary to

protect neighbouring amenity. It was also confirmed that the space standards would be met, the planning agent stated that the beds shown on the plans were indicative, however that the plans would be updated to reflect the accurate number of bedspaces.

The third theme related to the impact on neighbouring amenity. Concern was raised to the impact of the projecting front bay windows, and 2-storey projection on neighbouring amenity, and whether the proposed new build would meet building regulations with regards to the passage of sound.

The planning agent explained that their intent was of course to comply with all necessary building regulations as this is a legal requirement, and the planning officer confirmed that details of residential sound insulation would be secured by condition. The agent also explained that the size of the 2-storey extension had been reduced, and it had been moved 1m away from the shared boundary to protect the amenity of No.15 on the advice of the planners. The agent also confirmed that the front bay window would be moved away from No.15, on revised plans, following feedback from neighbours. They also confirmed that the revised plans would include 25 and 45 degree test lines to indicate the impact to the rear windows. The planning officer explained the 25 and 45 degree 'rule' tests for impacts to neighbouring light, and that these had been applied when assessing the impact to No.15. These suggest, together with the moderate scale of the proposed rear protrusion, and the orientation of the rear elevations, the impact to neighbouring light would be acceptable in his professional planning judgement. It was acknowledged there was a side facing window in the small rear extension to the rear of No.15, and the impact on this would be considered in officer's final assessment.

The fourth theme related to the highway impacts of the proposed development. Concern was raised over the impacts during construction works. It was confirmed that a preliminary construction management plan had been assessed by highways officers, who had suggested a condition requiring submission of a final Construction Logistics Statement, and that that this would be secured should the application be approved. Construction hours would also be limited to ensure no unacceptable disruption at unsociable hours.

The fifth theme related to all other concerns and considerations. Concern was raised about the accuracy of the plans. Neighbours felt that the interface with 15 Minard Road is not simply a party wall issue. Either the existing walls need to be demolished, or the location of the building on the proposed plans needs to be adjusted to take into account the wall. Neighbours consider the applicant has not accounted for this cavity wall on the plans, and that this cavity wall cannot legally be demolished due to a court order. In their view even if it is demolished, there will need to be a new cavity wall built between the buildings to meet Building Control regulations. Whether the existing cavity wall will be demolished, and if so, whether the applicant has the legal right to do so, considering the court order. Neighbours are also concerned that when the cavity wall is accounted for, the proposals will not meet the space standard requirements as set out in the London Plan. Concern was raised to the planning and enforcement history of the site, and whether conditions could be imposed to ensure compliance with building control and health and safety regulations.

The applicant's agent stated they were unaware of the court order, however this was presented to them during the meeting. It was agreed that they would contact the owner of the neighbouring No.15 following the meeting to discuss this, and that the plans would be updated accordingly to ensure no party wall issues would arise during future works. They stated the revised plans will ensure the dwellings meet the space standards. They also confirmed that they would comply with all building control regulations, as this was a legal requirement, and they wanted to ensure everything would be done properly this time, acknowledging some issues had arisen in the past, prior to the current planning agent (Resi) being involved with the site. It was confirmed that a construction management plan would outline health and safety on site, and a planning condition would restrict working hours. The planning officer confirmed that any future breaches of planning would be investigated by enforcement officers.

Concern was raised that neighbours had not received consultation letters on the updated set of plans which included a rear dormer and reduced the number of parking spaces, and that these were uploaded to the council website back in August. This was acknowledged as a mistake and the planning officer confirmed that re-consultation letters would be sent out in the following days, which would give any interested parties another opportunity to comment on the revised plans. Cllr Gallagher stated that it was unfortunate but sometimes mistakes in consultation do happen, and officers would ensure correct re-consultation would take place prior to any committee meeting. They also acknowledged the frustration that neighbours felt due to the virtual format of the meeting, however in light of the Covid-19 situation, this was the most appropriate solution.

Councillor Codd drew the meeting to a close, explained that further questions and comments can be submitted in writing, and residents can write to councillors, the planning team and the applicant. He confirmed residents who have commented on the application will be notified of the date any future planning committee meeting relating to the proposal, thanked everyone for attending and for participating in the meeting.

**Meeting closed 20:35**