

Dear Alan

Below are my final comments on the latest draft of the Development Management Local Plan. The comments focus on the Housing sections, which appear to still be the weak spot for Lewisham. I am concerned by the remaining omissions in terms of protections for neighbours' amenity, and the weakening of policies on housing quality and minimum distances. The impact of not correcting these omissions is significant. The inclusion of clearly worded and quantifiable standards is all that currently protects Lewisham residents from over-cramming, garden grabbing, and un-neighbourly development. The context of national deregulation, and the unprecedented local "statement of community involvement" proposals to no longer even write to neighbours about planning applications near to them, makes this even more dangerous.

If left as it stands, it will mean Lewisham has unusually weak planning protections for residents in its Local Plan. Even under the old version of the UDP, Lewisham already has some of the highest levels of inappropriate garden and infill development in inner London. These protections are particularly important in poorer boroughs, where densities are already high, and residents cannot afford expensive planning consultants to help protect their basic human rights.

As you are aware, I am currently fighting a high court case to prevent the Planning Inspectorate overturning Local Plan Policies and Local Authorities minimum privacy distances (including Lewisham's own 21m and 9m rules). The case has considerable backing from London Assembly members, MPs, civic, legal and environmental groups. All the work I am doing will be pointless, at least in Lewisham, if our own local protections are not retained.

If there is anything you can do to help get the DMLP strengthened, I would be most grateful. I hope these suggestions are of some use.

The key omissions relating to the quality of new housing, and the protection of residential amenity for neighbours, are summarised below:

DM Policy 32 Housing Design Layout and Space Standards replaces the old **UDP Policy HSG 5**, but removes reasons for refusing housing developments which cause appreciable negative impacts on neighbouring properties' privacy, outlook, amenity or light. HSG 5 has previously been the key policy used to support refusals of insensitively designed homes (particularly those which are not on infill or garden land, so do not fall under part 33). It is very important for **DM Policy 32** to include wording to continue to protect neighbouring residents (and future occupiers of new homes) from poorly designed housing. I would suggest adding something along the lines of the wording of the old HSG 5:

Add to DM Policy 32 Point 1

"The Council expects all new residential development to be attractive, to be neighbourly and to meet the functional requirements of its future inhabitants"

Add to DM Policy 32 Point 2

"It is essential that new development does not adversely affect the amenity enjoyed by existing residential properties by unacceptably reducing the level of natural light received, the amenity or privacy of neighbouring homes, or by creating an unsightly outlook.

Housing development must have regard to the amenities, stability and security of any existing community in which it is built.

New housing developments will be expected to respect the standards set out in more detail in Lewisham's Residential Standards SPD"

Point 2.260 incorporates the 21 metre rule from the current Residential Standards, but omits the 9m rule. It is important to correct this.

It is also important to strengthen the wording of the 21 metre rule, to remove obvious loopholes. Amend to read

e.g. “There should be a minimum separation of 21 metres between directly facing habitable room windows on main rear elevations”

Reasons: It is vital to not just limit protections to windows on rear elevations, as many homes have their principal rooms at the side, are odd shapes, and there are also instances where a developer attempts to place new front windows in front of existing rear ones e.g. on garden land.

Most local authorities have a version of the 21m rule (and the 9m rule), but I know of no other authority that limits these rules so they only apply to principal room windows on rear elevations. They should apply to all “principal room” windows.

Most other local authorities also include protections to prevent developers angling windows slightly, to get around this rule. Lewisham does not currently do this.

Add the words **“slight angling of views between windows will not be sufficient to justify significant reduction of this minimum privacy distance”**

Remove the words **“but will be applied flexibly dependent on the context of development”** – as this phrase has been used recently by Planning Inspectors to justify the reduction of the 21m rule to an incredible 3metres and 5 metres. Such a caveat is not necessary if you include a statement like the one above on angling windows, as some flexibility is implicit in that. Alternatively you can add a more detailed sliding scale of angles to distances, as used by other local authorities.

Add the 9m rule to point 2.260, to reflect and strengthen the current Residential Standards SPD “The minimum distance between all habitable room windows and the walls of adjoining development should normally be 9 metres or more”.

This is a vital protection, and just as important as the 21m rule. The 9m rule is used widely by local authorities across the UK (though it is usually 10m or more), and gives certainty to homeowners that their windows are safe from encroachment. There is a similar rule in the old Residential Standards SPD, but this urgently needs carrying over into the DMLP to give it the weight of planning policy. Again, it needs to apply to all principal/habitable room windows, and a definition of principal/habitable room should be added to the glossary, in line with London Plan definitions.

Policy 33 Infill, backland, garden land etc

Part A –on both pages 98 and 99 **remove reference to side gardens under the Infill category.**

This will sow confusion, and allow developers to fence off parts of rear gardens, allowing any garden area which is not directly behind the house to be renamed as ‘infill’. Why provide weaker protections for side gardens, when most existing architecture and terraces in Lewisham have been designed to rely on the gaps left by these? Other local authorities have introduced a clear and simple presumption against all garden developments where needed, whereas the approach in the DMLP seems unnecessarily complex and weakly worded.

Similarly it is important to **remove the words “back” and “rear”** garden from Policy 33 Part C, the glossary and throughout the document, and simply refer consistently to “residential gardens”. The definition of infill and backland are sufficient to allow the flexible development of non-garden plots within road frontages, where appropriate. Many houses in Lewisham have their gardens and main windows to the side, particularly on corners and bends, and the impacts on neighbours of developing these garden areas can be significant. In addition, squeezing new homes into these gaps frequently creates sub-standard housing for future occupiers, with inadequate outlook, privacy,

internal space and garden setting around them.

DM Policy 30 and DM Policy 33 General Principles Part 3 should both contain reference to the **Lewisham Residential Standards SPD**, and the requirement that all new development reflects the standards set out in this. It seems unusual have such an important SPD and not reference it clearly in the Local Plan. I note there is a footnote reference to this SPD being amended. I hope Lewisham are not planning to change this SPD significantly without a full consultation and strategic environmental assessment. The SPD provides most of the essential detail needed to ensure high quality and sustainable homes are built in Lewisham in future.

DM 33 part A Infill Sites Part C currently doesn't protect neighbours amenity, whereas Part B Backland sites does. I think this is a simple drafting error, but with serious consequences.

Reword this to read. **" result in no appreciable overshadowing or overlooking, , and no loss of security, amenity, outlook or privacy, to adjacent houses and gardens.**

Avoid use of the term "significant", as this tends to lead to a lowering of the bar to the lowest standards, weakens Planning Committees power's to use common sense, and can result in costly, unnecessary and unreliable 'expert' reports being commissioned, attempting to prove impacts are not 'significant'.

Combined with the simple rule of thumb distances, this approach would be better for developer and resident alike, as it allows common sense assessments of the combination of impacts a development can have, provides clarity, and set a clear minimum standard which is understandable to all .

DM 33 Part C

Replace reference to "back gardens" with "residential gardens" – which is much clearer. See points above.

Point 2.272 should also replace "back" with "residential" and remove reference to just perimeter style housing, so that is becomes a clear general point about the value of gardens to all homes.

Gated Developments

2.268 has weakened the old presumption against gated developments. It is currently worded very unclearly, and does not prevent gated developments. These are hugely unpopular and unnecessary. Add wording similar to the old UDP **"Security should be maintained through design, and gated developments will not be considered acceptable"**.

Suitable access to backland sites

2.267 Is only really worth including if you say **"developments will be refused"**. It is unhelpful to say "may", as this weakens the policy to the pointlessness.

Disabled access

What has happened to the ambition to ensure disabled people can also access (at least) the ground floors of new development. This policy appears to have been dropped completely from the new UDP, which seems a shame, when there is such a shortage of accessible housing already in the borough.

Ceiling Heights

Point 2.258 references a requirement elsewhere in the document, to replicate the ceiling and floor heights of adjacent development in most circumstances. This appears to be a drafting error, in that I could not find such a requirement anywhere in Policies 30 or 33. **This is a good policy, and should be clearly stated under part 30 ideally, as it helps reduce overlooking caused by level changes, and incongruity of design.**

Sunlighting

Point 2.259 Add the words “direct sunlight” before daylight. Direct sunlight is different from daylight, and is important in preventing poorly designed north facing flats and houses. This would reflect London Plan requirements better also. The policy, as drafted, sets a very low standard in terms of dual orientation, sunlighting and ventilation. It is not sufficient to rely on the London Plan guidance on sunlighting, or any other standards, as these appear to be under threat from the current bonfire of housing standards which the Government is currently consulting on.

Gardens

What has happened to the old policy requiring all new family homes to have a minimum garden depth of 9m? Do we want future generations of children in Lewisham to grow up without access to outdoor space? It would be helpful to include this minimum standard, at least for all new family housing on streets where this is already the pattern and standard depth of garden plots. This also helps encourage sensitive design which responds to its context, and balances commercial motivations to cram as many homes as possible into available plots. There is a recognised shortage of family housing in the borough, and an imbalance in the number of new builds providing no usable outdoor space whatsoever. Gardens are important to the lives of future generations, young and old.

DM 30 (replaces the old URB 3 Design and character)

The old policy URB3 had a clear requirement to **ensure “schemes are compatible with, or complement the scale and character of existing development and its setting (including any open space)”**. It is essential that this is added back in to DM 30 General Principles, or it will be difficult to use DM30 as a reason for refusal, however poorly designed and incongruous a new housing development is.

DM 30 Part 5 weakens other requirements of the old policy URB3 parts a) to i) by changing the wording to remove clear reasons for refusal. E.g. “new development should respect the scale and alignment of the existing street” in the UDP becomes a far weaker requirement that applicants demonstrate “how the scheme relates to scale and alignment of the existing street”.

This leaves very few clear reasons where DM 30 could be used as a clear reason for refusal.

Amend to make these points a requirement, rather than just something applicants are expected to address in their applications.

Glossary

Define “North Facing” – North facing windows are generally defined as any windows within 45 degrees of due North. “

(this brings it in line with the London Plan on this definition)

Define habitable room/principal room in line with London Plan and other local authorities.

Louise Venn