

Committee	PLANNING COMMITTEE A	
Report Title	8A & 8B Church Rise SE23 2UD	
Ward	Perry Vale	
Contributors	Suzanne White	
Class	PART 1	19 June 2014

<u>Reg. Nos.</u>	DC/14/86779
<u>Application dated</u>	06.03.2014
<u>Applicant</u>	Faithorn Farrell Timms on behalf of London & Quadrant Housing Trust
<u>Proposal</u>	The installation of replacement double glazed uPVC windows to all elevations, uPVC rear door and GRP composite front door at ground and 1 <sup>st</sup> floor flats known as 8A & 8B Church Rise SE23.
<u>Applicant's Plan Nos.</u>	Rehau S706 70mm Window Section Details 1, 2; T1-1325-1, 2, 3, 4 & WS; GRP Composite Door details.
<u>Background Papers</u>	(1) Case File LE/521/8/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	N/A
<u>Screening</u>	N/A

## **1.0 Introduction**

1.1 Councillor John Paschoud requested that this matter be considered by committee. The head of planning agreed and referred the matter to committee for consideration.

## **2.0 Property/Site Description**

2.1 The application site consists of a two-storey, detached, Victorian property converted into two flats. The application is concerned with both flats and with all elevations of the building. The property is situated on the western side of Church Rise.

2.2 The surrounding area is predominantly residential in character. Other properties on this part of Church Rise comprise similar, mainly two storey double fronted, detached residential properties of the Victorian period.

2.3 Many of the properties have been converted into flats, and there are crossovers and car parking in the front gardens of these properties on the east side.

- 2.4 The property is not within a Conservation Area, nor subject to an Article 4 Direction and is not in the vicinity of a Listed Building. The road is unclassified.
- 2.5 The existing windows in all elevations are predominantly timber framed, single glazed, sliding sash types. The existing windows at 2<sup>nd</sup> floor level of the rear elevation are timber casement types. The existing front door is timber and the rear door is timber framed/partially glazed.
- 2.6 Church Rise is predominantly residential in character. There is an eclectic mix of building styles within the road, including modern flats and houses, Victorian maisonettes and early 20<sup>th</sup> Century houses. No particular style has dominance giving no strong overall character to this road.
- 2.7 The surrounding properties are residential and have a mixture of original timber framed sliding sash and replacement PVCu casement windows.

### **3.0 Planning History**

No relevant planning history.

### **4.0 Current Planning Application**

#### **The Proposal**

- 4.1 The current application is for the installation of replacement PVCu, double-glazed windows in all elevations of Flats A & B Church Rise, SE23. The proposed windows are of similar dimensions to the existing, and would be double-glazed, top and side hung casements. The rear door would be PVCu also, while the front door would be composite GRP.
- 4.2 The adjoining properties to the south and north are of the same period and are also substantial detached dwellings. Both retain their original timber sash windows.
- 4.3 Elsewhere along Church Rise, several properties either have either installed, or been granted permission for, replacement PVCu replacement windows.

### **5.0 Consultation**

- 5.1 Pre-application advice was provided by the Planning and conservation teams regarding documentation requirements, window detail and design.
- 5.2 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 5.3 A site notice was displayed and letters were sent to residents in the surrounding area.

#### **Written Responses received from Local Residents and Organisations**

- 5.4 One objection was received from the occupant of 73 Sunderland Road raising concern over the cumulative impact arising from the replacement of existing timber sash windows on the front elevations of multiple properties on Sunderland Road and Church Rise with casement PVCu windows. The objector suggests two

preferred solutions: refurbishment of existing windows or replacement with sash style PVCu windows.

(Letter available to Members)

#### Written Responses received from Statutory Agencies

None

## **6.0 Policy Context**

### Introduction

6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

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

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

6.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

6.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full

weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

#### Other National Guidance

6.5 The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)

#### London Plan (July 2011)

6.6 The London Plan policies relevant to this application are:

Policy 7.4 Local character

Policy 7.6 Architecture

#### London Plan Supplementary Planning Guidance (SPG)

6.7 The London Plan SPG's relevant to this application are: Housing (2012)

#### Core Strategy

6.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy

Core Strategy Policy 15 High quality design for Lewisham

#### Unitary Development Plan (2004)

6.9 The saved policies of the UDP relevant to this application are:

URB 3 Urban Design

URB 6 Alterations and Extensions

HSG 4 Residential Amenity

#### Residential Standards Supplementary Planning Document (August 2006)

6.10 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

#### Emerging Plans

6.11 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

6.12 The following emerging plans are relevant to this application.

Development Management Plan

6.13 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public took place on 26 and 27 February 2014.

6.14 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.

6.15 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies. These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.

6.16 The following policies hold significant weight as no representations have been received regarding soundness, and are considered to be relevant to this application:

DM Policy 31 Alterations/extensions to existing buildings

6.17 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development  
DM Policy 30 Urban design and local character

**7.0 Planning Considerations**

7.1 The main issues to be considered in respect of this application are:

- a) Design
- b) Impact on Adjoining Properties

7.2 The relevant planning considerations are whether the proposal is of a high quality design and whether it preserves or enhances the character of the surrounding area.

Design

7.3 The proposed PVCu windows would replicate the dimensions of the existing window openings. The glazing bar pattern would be similar to the original pattern

although the frames would differ in thickness and the opening method would also differ being top hung casement in the front and rear elevations and top and side hung casements in the side elevation.

- 7.4 It is consequently felt that the proposed scheme to replace the windows with PVCu double glazed units and the front and rear doors with GRP composites would not harm or detract from the surroundings and therefore adhere to Policy URB 3.

#### Impact on Adjoining Properties

- 7.5 The loss of timber framed, sliding sash windows is always regrettable in a period property. In this instance, as the property is not listed and does not fall within a conservation area and the proposed replacement windows and doors would be similar in appearance to the existing, it is considered that the scheme would be in keeping with the original pattern of fenestration and therefore conforms to Policies URB 6 and DM31.

#### Equalities Considerations

- 7.6 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not.
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.7 The protected characteristics under the Act are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.8 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 7.9 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.

#### Conclusion

- 7.10 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.11 The proposed replacement windows and doors are considered acceptable as they would not harm the character or appearance of the building or wider area. Furthermore there would be no adverse impact on neighbouring amenity.

**8.0**    **RECOMMENDATION**    **GRANT PERMISSION** subject to the following conditions:

- (1) Time limit
- (2) Development in accordance with approved plans

**Reason**

- (1) As required by Section 91 of the Town and Country Planning Act 1990
- (2) To ensure that the development is carried out in accordance with the approved documents

**INFORMATIVES**

Positive and Proactive Statement