

Committee	PLANNING COMMITTEE A	
Report Title	63A SUNDERLAND ROAD SE23 2PS	
Ward	Perry Vale	
Contributors	Suzanne White	
Class	PART 1	19 June 2014

<u>Reg. Nos.</u>	DC/14/86782
<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 in front and rear elevations of first floor flat, known as 63A Sunderland Road, SE23.
<u>Applicant's Plan Nos.</u>	Rehau S706 70mm Window Section Details 1 & 2; T1-1325-1, 2, 3, WS.
<u>Background Papers</u>	(1) Case File LE/420/63/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, double-fronted, semi-detached, Victorian property converted into two flats. The application is concerned with the first floor flat only. The property is situated on the eastern side of Sunderland Road. 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.
- 2.2 The existing windows in the front elevation are timber framed, single glazed, sliding sash types. The existing windows in the rear elevation are a mixture of timber framed, single glazed, sliding sash and casement types.
- 2.3 Sunderland Road is mostly residential with many of the properties being purpose built maisonettes and flats or period properties that have been converted into flats, there are also a number of single family dwelling houses. There is an eclectic mix of building styles within the road, including modern flats and houses, Victorian

maisonettes and early 20th Century terrace houses. No particular style has dominance giving no strong overall character to this road.

- 2.4 The surrounding properties are residential and have a mixture of original timber framed sliding sash and replacement PVCu casement windows.

3.0 Planning History

- 3.1 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 the front and rear elevations of Flat A 63 Sunderland Road, SE23. The proposed windows are of similar dimensions to the original, and would be double-glazed, top and side hung casements.
- 4.2 Planning permission was granted in January 2014 for the installation of replacement, PVCu, double-glazed casement windows in the front, side and rear elevations of the ground floor flat of the property, 63B. A new rear door was also approved at that time.
- 4.3 The adjoining properties to the south and north are of the same style, double-fronted semi-detached period dwellings. Both are subject to planning applications for the installation of replacement PVCu windows.
- 4.4 Elsewhere along Sunderland there are properties with PVCu replacement windows and with timber sash windows.

5.0 Consultation

- 5.1 Pre-application advice was received from 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 Objections were received from the occupants of 32 and 73 Sunderland Road. The concerns raised related to the cumulative impact arising from the replacement of existing timber sash windows on the front elevations of multiple properties on Sunderland Road with casement PVCu windows which were deemed out of keeping with other properties. One of the objectors suggested two potential solutions: refurbishment of existing windows or replacement with sash style PVCu windows.

Written Responses received from Statutory Agencies

- 5.5 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.

Ministerial Statement: Planning for Growth (23 March 2011)

6.5 The Statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should

wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

- 6.6 The statement further sets out that local authorities should reconsider at developers' request, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms. [Delete if not relevant]

Other National Guidance

- 6.7 The other relevant national guidance is:

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

London Plan (July 2011)

The London Plan policies relevant to this application are:

Policy 7.4 Local character
Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

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

Core Strategy

- 6.9 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)

- 6.10 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)

- 6.11 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

6.12 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).

6.13 The following emerging plans are relevant to this application.

Development Management Plan

6.14 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.

6.15 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.

6.16 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.

6.17 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

6.18 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

Principle of Development

- 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 Most of the existing windows in the front and rear elevations at first floor level are top hung casement windows. There is one side hung casement window on the rear elevation. The proposed PVCu windows would replicate the dimensions of the existing window openings.
- 7.4 The glazing bar pattern would be more akin to the existing pattern of the windows on the front elevations of neighbouring properties as well as to the replacement windows which have been approved for the ground floor flat of the application property.
- 7.5 It is consequently felt that the proposed scheme to replace the windows with PVCu double glazed units would not harm or detract from the surroundings and therefore adhere to Policies URB 3 and DM31.

Impact on Adjoining Properties

- 7.6 The original sash windows of this property have already been replaced with casement windows and in addition, replacement PVCu windows have already been approved for the ground floor flat. Also, the property is not listed and does not fall within a conservation area, therefore the building and surrounding area are not deemed sensitive in this regard. For these reasons, it is considered that the proposal is sufficiently in keeping with the existing window pattern and therefore conforms to Policies URB 3, URB 6 and DM31.

Equalities Considerations

- 7.7 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.
- 7.8 The protected characteristics under the Act are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.9 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.
- 7.10 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

- 7.11 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.12 On balance, Officers consider that the scheme is therefore considered acceptable.

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