

Committee	PLANNING COMMITTEE A	
Report Title	183A WALLER ROAD SE14 5LX	
Ward	Telegraph Hill	
Contributors	David Jeffery	
Class	PART 1	31 JULY 2014

<u>Reg. Nos.</u>	DC/14/86950
<u>Application dated</u>	20.03.2014
<u>Applicant</u>	Miss A Hales
<u>Proposal</u>	The construction of a single storey extension to the rear, together with the reinstatement of a full bay window and the addition of fixed lights window to the rear ground floor.
<u>Applicant's Plan Nos.</u>	37.01 & 37. k k 02_DGN_P_001, 02_DGN-00_201, Heritage Statement; Planning, Design and Assess Statement.
<u>Background Papers</u>	(1) Case File DE/49/183/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Telegraph Hill Conservation Area
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 183A Waller Road is a two storey plus basement mid-terrace house on the east side of the road. The property is converted into flats and the application relates to the lower flat. The property forms part of an architecturally cohesive street of two storey terraces of almost identical design.
- 1.2 The property features an original three storey rear projection with a bay window to the side which has been altered within the existing opening to accommodate kitchen units behind.
- 1.3 The property is located within Telegraph Hill Conservation Area. It is not within the setting of a listed building/Heritage Asset.

## **2.0 Planning History**

- 2.1 There is no relevant history associated with the subject property.

### **3.0 Current Planning Applications**

#### **The Proposal**

- 3.1 The applicant proposes to construct a single storey extension to the rear along with other alterations including the reinstatement of sliding sash windows to the ground floor flank bay window and the addition of a new window opening in the flank elevation, all to the rear of the subject property.
- 3.2 The proposed extension would extend 3.5m from the back wall of the rear outrigger and would have the same width as the original rear projection. It would have a mono pitch roof with a height of 2.5m to the eaves rising to 3.5m adjoining the rear projection. The extension would adjoin the boundary with 181 Waller Road and would replace a small outside toilet/store. The extension would be constructed from London stock bricks to match the existing house and would have two rooflights.
- 3.3 This application also seeks permission to reinstate timber, sliding sash windows into an existing bay window in the flank of the rear projection. This had previously been altered to have casement windows with infill panels below, in order to accommodate kitchen units behind. It is also proposed to make an additional window opening in the side of the rear projection; this would have a fixed light with opaque glass.

### **4.0 Consultation**

- 4.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Letters were sent to adjoining neighbours, a site notice was displayed, the Telegraph Hill Society and Ward Councillors were notified.
- 4.3 One letter of objection has been received from the occupant of the first floor flat who objects on the following grounds
- The roof of the extension will come too close to my back window and look unsightly
  - This could also have security implications as people could climb into my back window

(Letters are available to Members)

#### **Telegraph Hill Society**

- 4.4 The Telegraph Hill Society have objected to the application on the following grounds:
- Objection to the design of the extension particularly the sliding doors and rooflights. The sliding doors should be timber French doors with glazing bars and stall risers.
  - The rooflights may result in light pollution for the neighbouring property.

## Amenities Societies Panel

- 4.5 Objection. The Panel welcomed the retention and restoration of the side bay window to the back addition. However, the new window opening in the side elevation of the back addition should be in a matching style to the rest of the property. The Panel objected to the design of the proposed rear extension which was not in keeping with the style of the host building and also featured large roof lights likely to lead to nuisance to nearby occupiers from glare and light pollution. In this case the rooflights were also difficult to justify as the opportunity exists for windows in the side elevation of both the extension and the existing back addition.

## **5.0 Policy Context**

### Introduction

- 5.1 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 shall 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, or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 Section 38(6) of the Planning Compulsory Purchase Act 2004 makes it clear that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the 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 Unitary Development Plan (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

- 5.3 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 in paragraph 211, that 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)'.

- 5.4 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)

- 5.5 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.

London Plan (July 2011)

- 5.6 The London Plan policies relevant to this application are:  
Policy 7.4 Local Character  
Policy 7.6 Architecture  
Policy 7.8 Heritage Assets and Archaeology

Core Strategy

- 5.7 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  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Unitary Development Plan (2004)

- 5.8 The saved policies of the UDP relevant to this application are:  
URB 3 Urban Design  
URB 6 Alterations and Extensions  
URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas  
HSG 4 Residential Amenity  
HSG 12 Residential Extensions

Residential Standards Supplementary Planning Document (August 2006)

- 5.9 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.

5.10 Telegraph Hill Conservation Area Character Appraisal (2008)

Emerging Plans

5.11 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 closer the policies in the emerging plan to the policies in the Framework the greater the weight that may be given.

The following emerging plans are relevant to this application.

Development Management Local Plan

5.12 The Development Management Local Plan (DMLP) – Post Examination Modifications April 2014 Public Consultation Copy, is a material planning consideration and is growing in weight. Adoption of the Local Plan expected to take place in Autumn 2014.

5.13 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.

5.14 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.

5.15 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

5.16 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

DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and garden

## **6.0 Planning Considerations**

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

- a) Design and visual impacts on the subject property and Conservation Area
- b) Impact on the amenities of neighbouring properties

### Design and visual impact on the Conservation Area

6.2 Retained UDP Policy URB 3 states that the Council will expect a high standard of design in extensions or alterations to existing buildings, whilst ensuring that schemes are compatible with, or complement the scale and character of, existing development and its setting.

6.3 The Council's adopted UDP policy URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas stipulates that extensions to buildings will not be permitted where the proposal is incompatible with the special characteristics of the area, including the area's buildings, scale, form and materials.

6.4 The Telegraph Hill Society's objections relating to the rooflights and sliding doors to the rear and their preference for timber French doors have been noted. Although it is acknowledged that sliding doors and rooflights are not a traditional characteristic of these properties, given that they will not be visible from any public vantage point and would have very limited visibility to other properties at the rear, the visual impact of the alterations is considered to be minimal.

6.5 Furthermore, as the proposed extension is modest in scale having a depth, width and eaves height of 3.5m and would be constructed from reclaimed stock brick to match the existing house, Officers do not consider that the proposed extension would result in any significant harm to the subject property or the Telegraph Hill Conservation Area.

6.6 It is welcomed that the application proposes to reinstate timber framed traditional sliding sash windows to the existing bay which have been unsympathetically replaced with ill fitting casement windows. Regarding the addition of a fixed light window to the side of the rear projection this is considered to be a minor alteration which being at ground floor level to the rear of the property, will not be visible from any public vantage point and is therefore not considered to be objectionable.

6.7 The proposed single storey extension is considered to be suitably subservient to the existing building and will be constructed from acceptable materials and will therefore safeguard the character and appearance of the Telegraph Hill Conservation Area and the subject property, subject to a condition that the facing materials should match the existing.

### Impact on neighbouring properties

6.8 The Council's UDP policies HSG 4 Residential Amenity and HSG 12 Residential Extensions state that development should safeguard the residential amenities of the local area, that extensions should be neighbourly, and should not result in an appreciable loss of privacy and amenity for adjoining houses and their back gardens.

- 6.9 The proposed extension is relatively modest in scale and would project 3.5m from the back of the existing rear projection and would be 3.5m in width. The proposed extension features a mono pitched roof containing two rooflights falling from a maximum height of 3.5m adjoining the rear elevation to an eaves height of 2.5m. It is also noted that the height is well within the relevant permitted development allowance, had the property been a single dwellinghouse. The proposed extension would adjoin the boundary with number 181 and would result in the demolition of an existing small outside store, that would originally have been a WC. As the proposed extension only projects 3.5m, has an eaves height of 2.5m and is located next to an existing matching rear toilet/store at door, the proposed extension is not considered to have any significant implications for the adjoining property at number 181 in terms of impact on their amenities. With regard to the neighbour on the other side (number 185), that property is located at a higher site level and has a rear conservatory. As the extension would be located 1.7m from the property boundary the impact on the amenities of No.185 is considered to be marginal.
- 6.10 Whilst the objectors comments have been noted, the proximity of the roof of the proposed extension to the first floor rear window is a common relationship in converted properties and is not objectionable in planning terms and as there is already a small single storey outbuilding close to the underside of this window the position of the proposed extension is not considered to introduce any unreasonable additional security risk to residents of the first floor flat.
- 6.11 The introduction of an additional obscure glazed window at ground floor level to the side of the rear projection and the reinstatement of sash windows to the side bay window are not considered to have any significant implications for the amenities of adjacent properties.
- 6.12 The subject property would retain a readily accessible, secure, private and usable external space for recreation and domestic purposes in line with policy HSG 12 Residential Extensions.
- 6.13 Overall it is considered that the proposal will not result in an unacceptable impact on neighbouring properties in terms of overshadowing, overlooking, loss of light or loss of outlook. The proposal is therefore considered to be in accordance with the Council's adopted residential amenity policies.

## **7.0 Equalities Considerations**

- 7.1 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.
- 7.2 The protected characteristics under the Act are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 7.3 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.
- 7.4 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.

## **8.0 Conclusion**

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the building, the character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Policies 7.6 Architecture and 7.8 Heritage assets and archaeology in the London Plan (July 2011); Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets, and the historic environment in the adopted Core Strategy (June 2011); and Policies URB 3 Urban Design, URB 6 Alterations and Extensions, URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas HSG 4 Residential Amenity, and HSG 12 Residential Extensions in the adopted Unitary Development Plan.

## **9.0 RECOMMENDATION GRANT PERMISSION** subject to the following conditions:

- (1) 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.
- (2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:  
  
37.01 & 37. k k 02\_DGN\_P\_001, 02\_DGN\_00\_201, Heritage Statement; Planning, Design and Assess Statement.
- (3) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing

### **Reasons**

- (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.
- (3) To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).



## **INFORMATIVE**

**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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.