

Committee	PLANNING COMMITTEE A	
Report Title	8 JERNINGHAM ROAD SE14 5NX	
Ward	Telegraph Hill	
Contributors	Louise Holland	
Class	PART 1	23 October 2014

<u>Reg. Nos.</u>	DC/14/88150
<u>Application dated</u>	25.06.14 [revised 29.08.14]
<u>Applicant</u>	Armstrong Simmonds Architecture on behalf of Ms R Rubio
<u>Proposal</u>	The construction of a single-storey rear extension, an extension to the rear roof slope, together with the installation of replacement double glazed, timber sliding sash windows at ground floor level to the front, uPVC replacement windows to the rear, the formation of two new window openings in the flank elevation of the rear addition, roof lights in the front, side and rear and roof slopes and alterations to the front entrance steps.
<u>Applicant's Plan Nos.</u>	213_8JR_X000 (recd 29/8/14), X001 (recd 29/8/14), X002 (recd 29/8/14), X003 (recd 29/8/14), X004 Rev A (recd 29/8/14), P200 Rev A (recd 29/8/14), P201 (recd 29/8/14), P202 (recd 29/8/14), P203 (recd 29/8/14), P204 (recd 29/8/14), P205 Rev A (recd 29/8/14), P206 Rev A (recd 29/8/14), P207 Rev A (recd 29/8/14), P208 Rev A (recd 29/8/14), P209 Rev A (recd 29/8/14), Planning Design & Access Statement and Heritage Statement
<u>Background Papers</u>	(1) Case File DE/57/8/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Telegraph Hill Conservation Area

1.0 Property/Site Description

- 1.1 The application site is a two storey and semi-basement level, semi detached Victorian house on the west side of Jerningham Road. The property has an original three storey rear addition.
- 1.2 The property is within the Telegraph Hill Conservation Area which is covered by an Article 4 Direction, but it is not a listed building.

2.0 Planning History

- 2.1 DC/14/86458 – 28/05/2014. Planning permission was refused for the construction of a single-storey rear extension and an extension to the rear roof slope together with the installation of replacement double glazed, timber, sliding sash windows at ground floor level to the front, uPVC replacement windows to the rear, the formation of two new window openings in the flank elevation of the rear addition and roof lights in the front, side and rear roof slopes. The reason for refusal is as follows:
- 2.2 The proposed roof lights, by reason of their number, size, design and prominent positioning in the front roof slope, are considered to be overly obtrusive, would be harmful to the appearance of the property and would fail to preserve or enhance the character and appearance of the Telegraph Hill Conservation Area, contrary to Policies 15 and 16 of the Core Strategy (June 2011), Policies URB 3, URB 6 and URB 16 in the adopted Unitary Development Plan (July 2004), Policy DM 36 of the Development Management Local Plan and Policies 7.6 and 7.8 in The London Plan (July 2011).

3.0 Current Planning Application

- 3.1 The current application is an amended scheme and is identical to that previously refused with the exception that it now proposes a single, smaller rooflight in the front roof slope.
- 3.2 The scheme proposes the following extensions and alterations:
- a) A rear infill extension, 6m in depth, to be located to the side of the existing three storey rear projection;
 - b) A rear dormer extension with cheeks clad in lead/zinc;
 - c) Two new window openings in the flank of the rear outrigger, at first and ground floor levels are proposed;
 - d) Three rooflights, one to the rear, one to the side and one to the front roof slope;
 - e) The windows in the front bay at ground floor level would be replaced with timber sash windows;
 - f) It is proposed to install replacement uPVC windows in the rear elevation.
 - g) It is proposed to re-form the front steps in York or Portland Stone.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

Written Responses received from Telegraph Hill Society

- 4.3 A letter of objection has been received from the Telegraph Hill Society. The letter objects on the following grounds:

- Front rooflight is unsightly and is excessively large, sits close to the roofline and fails to align with the windows below. The rooflights destroy symmetry with the property next door and adds an incongruous element to the appearance of the front of the building. The rooflights are not compatible with the design of the original property or in materials which would have been used when the property was built. It is contrary to policy URB 6.
- Objection to the design of the rear extension in terms of the flat roof and rear door which does not reflect the character of the existing building and the rear door should be redesigned.
- The response also queries the use of stretcher bonding as indicated on the drawings when Flemish bonding should be used.
- Insufficient information provided in relation to alterations to front steps.

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 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, 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 and 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 National Planning Policy Framework (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 3.4 Optimising housing potential
Policy 3.9 Mixed and balanced communities
Policy 5.3 Sustainable design and construction
Policy 7.4 Local character
Policy 7.5 Public realm
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 Lewisham Town Centre Local Plan, 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:

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:

STR URB 1 The Built Environment
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.

Emerging Plans

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 this Framework (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

- 5.10 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public has now concluded, and the Inspector has issued his report on the 23rd of July 2014 finding the Plan sound subject to 16 main modifications. The 16 main modifications had previously been published by the Council for public consultation on the 29th of April 2014.
- 5.11 The Council expects to formally adopt the DMLP in November 2014.
- 5.12 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 as amended by the 16 main modifications has undergone all stages of the plan making process aside from formal adoption, and therefore holds very significant weight at this stage.
- 5.13 The following policies 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 31 | Alterations/extensions to existing buildings |
| 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 gardens |

6.0 Planning Considerations

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

- a) Design and Conservation
- b) Impact on Adjoining Properties

Design and Conservation

- 6.2 The Council's adopted UDP policy URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas stipulates that extensions and alterations 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. There is a statutory duty placed on the Council to only approve development which preserves or enhances the character and appearance of the Borough's Conservation Areas.
- 6.3 The subject property is a semi-detached single family dwellinghouse located in a run of eight similar properties between Haberdashers' Aske's Girls' School and Musgrove Road.
- 6.4 The road slopes upwards from north to south so that the adjacent properties at Nos. 10 to 16 are located at a progressively higher level. Although there are views over the backs of these properties from a section of Musgrove Road, given the change in levels, the back of the subject property can barely be glimpsed from Musgrove Road and as such the proposed works to the rear are not considered to have a significant impact on the character and appearance of the Telegraph Hill Conservation Area.
- 6.5 The proposed rear extension is of a contemporary design, with a flat roof, constructed using stock brick to match the existing brickwork and with a large glazed door to the rear. The extension would be 6m deep and would align with the rear elevation of the original rear outrigger, maintaining a courtyard area between the main rear elevation of the property and the inward elevation of the proposed extension. It would be constructed of stock brickwork and its scale and design is considered to be adequately subordinate to the subject property.
- 6.6 The rear dormer would be clad in lead/zinc and although dormer windows are not a traditional feature of these properties, permission has been granted for several dormer extensions in rear roof slopes in the area. The dormer extension would be 1.5m wide and up to 3m deep. Given its modest scale and lack of visibility from the public realm it is not considered to have a significant impact on the character and appearance of the Telegraph Hill Conservation Area. A condition is recommended to require that no new external finishes, including works of making good, are carried out other than in materials to match the existing and that the brick bonding is carried out to match the application property also.
- 6.7 Two new window openings are proposed in the flank of the rear outrigger, one at ground level and one at first floor level. These would have limited visibility and are considered acceptable.
- 6.8 The windows at ground floor level within the front bay are proposed to be replaced with double glazed timber sliding sash windows. The submitted window details are considered to be acceptable. The applicants also propose to replace existing windows to the flank of the rear projection with double glazed uPVC windows. As

the property is a single dwelling, this alteration would not require planning permission as these windows are at the rear and are not visible from a public vantage point.

- 6.9 The application proposes three rooflights, one to the rear, one in the side roofslope and one to the front. The previously refused application (DC/14/86458) proposed two, larger rooflights in the front roofslope, which were considered to be unacceptable. The current proposal is now for one, smaller rooflight within the front roof slope, which is positioned more sympathetically in the roofslope, in addition to one in the side roof slope. The proposed front and side roof lights have been reduced in size and are now not considered to be out of character with the property.
- 6.10 There is one other example nearby (at 16 Jerningham Road) of a rooflight to the front roof slope in this run of properties; this may have been installed before the introduction of the Telegraph Hill Conservation Area Article 4 Direction.
- 6.11 The application property sits within a run of semi-detached properties which are built tightly together with large chimney stacks to the side and mature trees on the street. As a result it is considered the proposed roof lights to the side and front would not be obtrusive or highly visible, particularly that to the side and as such the proposed rooflights are considered acceptable.
- 6.12 The proposed rooflights are now considered to be acceptable in terms of prominence, size and position and would have an acceptable impact on the character and appearance of this part of the Telegraph Hill Conservation Area.
- 6.13 The front entrance steps are currently paved in red tiles; the provision of new steps in York or Portland Stone is considered satisfactory.

Impact on Adjoining Properties

- 6.14 Policy HSG 4 seeks to protect residential amenity. When seeking permission for extensions/alterations to existing buildings it must be demonstrated that significant harm will not arise in respect of overbearing impact, loss of outlook, overshadowing, loss of light, overlooking, loss or privacy or general noise and disturbance.
- 6.15 The rear extension would project 2m from the side of the rear projection and would be 6.1m in depth and have a total height under 3m. Given that the extension would be located 1m away from the boundary with the adjacent neighbour (10 Jerningham Road) which is set at a higher level than the subject property, it is not considered to have a significant impact upon the amenities of this neighbour in terms of outlook, daylight, sunlight and privacy.
- 6.16 The impact of the roof extension is also not considered to have any significant implications for the amenities of neighbouring properties and the window within the dormer would serve a stair well.
- 6.17 The proposed extensions are therefore considered to be in accordance with the provisions of HSG 4 Residential Amenity and HSG 12 Residential Extensions of the UDP and DM Policy 31 of the Development Management Local Plan (for adoption November 2014) in terms of its impacts on neighbouring properties.

7.0 Local Finance Considerations

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), 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).
- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.

8.0 Equalities Considerations

- 8.1 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.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 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. It is not considered that there are specific issues arising in relation to equality.

9.0 Conclusion

- 9.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 9.2 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.
- 9.3 **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.

Reason: As required by Section 91 of the Town and Country Planning Act 1990

- (2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

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Reason: To ensure that the development is carried out in accordance with the approved documents

- (3) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing facing work. The rear extension hereby approved shall be constructed in brickwork, bonding and pointing to match the existing property.

Reason: 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).

- (4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

INFORMATIVE

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 discussions took place which resulted in further information being submitted.