

Committee	PLANNING COMMITTEE C	
Report Title	41 Gellatly Road SE14 5TU	
Ward	Telegraph Hill	
Contributors	Kate Hayler	
Class	PART 1	18 November 2014

<u>Reg. Nos.</u>	DC/14/87791
<u>Application dated</u>	30.05.14 [as revised on 01.10.2014]
<u>Applicant</u>	Build Team on behalf of Mr Barton
<u>Proposal</u>	The construction of two single storey extension to the rear of 41 Gellatly Road SE14.
<u>Applicant's Plan Nos.</u>	Heritage Statement, Site Location Plan, Design and Access Statement, 01, 02 & 03 (received 30/05/2014) 04B, 05B, 06B & 07B (received 1/10/2014)
<u>Background Papers</u>	(1) Case File DE/42/41/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	PTAL 4 Telegraph Hill Article 4(2) Direction Telegraph Hill Conservation Area Not a Listed Building C Road

1.0 Property/Site Description

- 1.1 The application site is the ground floor flat of a two storey mid terrace Victorian property on the east side of Gellatly Road that has been converted into two flats. The property includes an original two-storey outrigger rear extension that features a bay window characteristic of the houses on this part of the street.
- 1.2 The application site falls within the Telegraph Hill Conservation Area but is not in the vicinity of a listed building.

2.0 Planning History

- 2.1 There is no planning history relevant to the determination of this planning application.

3.0 Current Planning Applications

The Proposals

- 3.1 Initially the proposals were for a large wrap around single storey extension measuring 8m deep by 5.2m wide. The extension would have been finished in brickwork and featured 4 white framed Velux windows and a slate roof.

- 3.2 Following concerns raised by officers, the proposals were revised to include the removal of the existing bay window and its replacement with a small single storey side extension measuring 2.9m deep and 1.7m wide. The extension would have a lean to roof measuring 2.5m high at the eaves. The side extension would be set away from the rear wall to create a small courtyard in front of the bedroom window measuring 1.3m deep by 1.7m wide which would serve to allow light into the bedroom window. In addition, a further single storey rear extension is proposed at the end of the outrigger that would measure 3m deep by 2.5m wide. This would also feature a lean to roof measuring 2.5m at the eaves.
- 3.3 In terms of materials, the extensions would be finished in brick to match the existing property and the 3 roof lights would be conservation type with grey frames. The roofs would be finished with slates to match the existing property. The rear extension would feature triple dark grey aluminium framed sliding doors and the side extension would feature a glazed panel.

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 Local Residents and Organisations

- 4.3 No objections were received from neighbouring occupiers.
- 4.4 An objection was received from the Telegraph Hill Society. The following matters were raised:
- Proposal would result in the loss of a significant amount of original fabric including attractive and unusual bay window and side wall;
 - Separation between the original properties will be destroyed;
 - Will introduce a modern sliding door of modern design that does not reflect original window design. There is a solid course above windows instead of a lintel;
 - Brickwork appears to be stretcher bond rather than Flemish bond;
 - Extension presents a large blank rear wall free of any detailing to neighbouring property which would have adverse effects on that property;
 - Includes a significant area of rooflights that will impact on the enjoyment of neighbouring properties by introducing light pollution and would render activities in the spaces visible to neighbouring occupiers which would not be neighbourly.

Amenity Societies' Panel

- 4.5 The Panel objects to the significant change to the form of this building, the loss of existing kitchen extension to make way for an out of scale full-width new extension which affects the character and integrity of this property. The wide opening created to the rear elevation would relate poorly to the existing opening pattern.

Thames Water

4.6 No objection subject to informatives

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 (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.

London Plan (July 2011)

5.5 The London Plan policies relevant to this application are:

Policy 5.3 Sustainable design and construction
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

Core Strategy

5.6 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 8 Sustainable design and construction and energy efficiency
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)

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 7 Gardens
HSG 12 Residential Extensions

Residential Standards Supplementary Planning Document (August 2006)

5.7 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

5.8 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.

5.9 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. The Council expects to formally adopt the DMLP in autumn 2014.

5.11 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.

5.12 The following policies are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development

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 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. In assessing the urban design merits of a development, the Council will consider the preservation and creation of urban form which contributes to local distinctiveness such as building features and

roofscape and the contribution of the development to energy and natural resource efficiency.

- 6.3 Retained UDP Policy URB 6 states that, alterations and extensions should respect the plan form, period, architectural characteristics and detailing of original buildings and should normally use matching materials.
- 6.4 Retained UDP Policy URB16 states that the Council will not grant planning permission where alterations and extensions to existing buildings are incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.5 DM Policy 31 states that proposals for extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.6 The proposed extension has been reduced in scale so that it comprises a modest side extension and a modest rear extension. It is considered that the proposed extensions will now remain subservient to the host property. The proposal would still result in the loss of the existing bay window which could be considered to be an original external feature. DM Policy 31 requires extensions to respect original features and the Telegraph Hill Society have objected to the removal of the bay window. However, the retention of this bay window would preclude most forms of infill development in the side return and it is considered that this would fetter the owner's ability to develop their property to an unreasonable extent.
- 6.7 Permission was recently granted at 22 Gellatly Road for the construction of an infill side extension that resulted in the removal of this bay window (DC/12/80832).
- 6.8 The bay window is not a feature that is visible from the public realm and is therefore not considered to be one that makes a contribution to the character and appearance of the conservation area. Given this and the recent permission allowing the removal of the bay window, it is considered the removal of this feature is acceptable.
- 6.9 In terms of materials, the proposal would be finished in brickwork to match the existing with slates to match the existing roof. These materials are considered to be acceptable. A condition is recommended requiring the materials (including the brickwork bonding and roof slates) to match the host property as recommended by the Telegraph Hill Society and the Council's Conservation Officer. The proposed windows and sliding doors would be finished in dark grey aluminium. The Telegraph Hill Society has raised concerns that the sliding doors would not be in keeping with the original window design. However, the rear of these properties have been extensively altered over the years with a wide range of single storey rear extensions that include conservatories, flat roofed and lean to extensions, some of which feature large glazed door opening to the rear. Given that this element will only be visible from the rear gardens, it is considered to be acceptable.
- 6.10 The Council's Conservation Officer has raised objection to the proposed white framed velux windows. The proposal has been altered so that the velux roof

lights would feature dark frames and would be set flush with the roofslope. The rooflights are now considered to be acceptable.

- 6.11 The design of the proposal is considered to be acceptable and it is not considered to have an unacceptable impact on the conservation area.

Impact on Adjoining Properties

- 6.12 The amended proposal would result in a much smaller flank wall to the side extension (measuring 2.85m). It is not considered that this would have a significant impact on the neighbouring property that would result in an unacceptable sense of enclosure or loss of daylight.
- 6.13 In terms of the rear extension, this would extend out from the existing rear elevation by 3m. The design is such that the eaves height has been kept to a minimum (2.5m) to reduce the impact on the neighbouring property to the south. Due to the orientation of the site, it is not considered that the rear extension would result in any loss of daylight or overshadowing to the neighbouring property or its garden.
- 6.14 Concern has been raised by the Telegraph Hill Society over light spillage from the proposed rooflights. However, this is not considered to be significantly worse than light spillage from the existing bay window and given the urban context of the site, this is not considered to be sufficient reason to refuse the application.
- 6.15 Following the amendments that have been made to the proposal, it is considered that it will have an acceptable impact on neighbouring amenity.

7.0 Community Infrastructure Levy

- 7.1 The above development is not CIL liable.

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. In this matter there is minimal/no impact on 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 On balance, Officers consider that that the revised proposal is of an acceptable design that will not have an impact on the character and appearance of the conservation area and that the proposal would have an acceptable impact on neighbouring amenity. The scheme is therefore considered to be acceptable.

10.0 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.

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:

Heritage Statement, Site Location Plan, CIL, Design and Access Statement, 01, 02 & 03 (received 30/05/2014) 04B, 05B, 06B & 07B (received 1/10/2014)

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

- (3) No new external finishes, including brick bonding and works of making good, shall be carried out other than in materials to match the existing.

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).

INFORMATIVES

- 1) 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.
- 2) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into

the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 3) Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk