

Committee	PLANNING COMMITTEE A	
Report Title	133 PEPYS ROAD SE14 5SE	
Ward	Telegraph Hill	
Contributors	Julia Robins	
Class	PART 1	04 DECEMBER 2014

<u>Reg. Nos.</u>	DC/14/88449
<u>Application dated</u>	20.07.14 [as revised on 23.10.14, 30.10.14 and 14.11.14]
<u>Applicant</u>	Mr M Dyson Enclosure Architects Ltd on behalf of Mr Everard
<u>Proposal</u>	The retention of the front façade of 133 Pepys Road, SE14 and the construction of a three storey extension plus roof space to provide two 5 bedroom houses and 1 two bedroom and 2 three bedroom self-contained flats with 2 parking spaces and associated landscaping (revised description).
<u>Applicant's Plan Nos.</u>	Design & Access Statement, Significance Assessment, CIL form, CfSH Statement (received 14.11.14), roof light view angle (received 13.11.14), 105(P)00, 105(P)01, 105(P)02, 105(P)03, 105(P)04, 105(P)05, 105(P)06, 105(P)07, 105(P)10A (received 23.10.14) 105(P)11 , 105(P)12A (received 23.10.14) 105(P)13A (received 23.10.14) 105(P)14A, 105(P)15, 105(P)16, 105(P)17, 105(P)18, 105(P)19A (received 23.10.14), 105(P)20 1a, 105(P)21A 1b, 105(P)22 2a, 105(P)23A 2b, 105(P)24 F1, 105(P)25A F2, 105(P)26A F3 (received 12.11.14), 105(P)27 F4 (received 12.11.14), 105(P)28 (received 12.11.14), 105(P)30, 105(P)31, 105(P)32, 105(P)33 CGI, 105(P)34 CGI, 105(P)35, 105(P)36 CGI, 105(P)L, 105(P)Be, 105(P)Bp, 105(P)R
<u>Background Papers</u>	<ol style="list-style-type: none"> (1) Case File DE/48/133/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	PTAL 3 Telegraph Hill Article 4(2) Direction Telegraph Hill Conservation Area

1.0 Property/Site Description

- 1.1 The subject property is a large detached, double-fronted two storey and semi-basement property located at the junction of Jerningham Road and Pepys Road. The property is located centrally on a large, roughly triangular site, the apex of which faces the junction. There is a relatively deep area of garden at the front which tapers towards the junction. There is a central stepped entrance up to ground floor level facing the junction. The land falls across the site from east to west and south to north.
- 1.2 The building has canted bay windows over three storeys on three elevations, two facing the junction, on either side of the entrance and one to each of the elevations facing Pepys and Jerningham Roads. There is a later single storey infill extension to the Pepys Road flank and an existing off-street parking space accessed from Pepys Road. The building is faced with London stock brick laid in Flemish bond, with some red brick banding and a slate roof. The original two storey rear extension is lower than the front part of the building and is more simple in its design, being faced in stock brick with simpler detailing to window openings.
- 1.3 The property is currently converted into 2 one-bedroom and 2 two-bedroom self contained flats and 1 self contained bedsit unit. One two bedroom flat is located at basement level, two 1-bedroomed flats are located at ground floor level and the bedsit and a two-bedroom flat are located at first floor level.
- 1.4 The site is located within the Telegraph Hill Conservation Area, although is not within the setting of a listed building. The Telegraph Hill Conservation Area is a well-preserved planned development of late 19th century terraces and pairs of houses built under the control of the Worshipful Company of Haberdashers. The buildings are good examples of late 19th century middle class houses and villas with many surviving design features. There is a strong sense of group identity to the houses in the Conservation Area due to a limited palette of materials and common design elements.

2.0 Planning History

- 2.1 Planning permission was granted in January 1971 for the conversion of the two storey house and semi-basement at 133 Pepys Road, into 2 two-roomed, 1 three-roomed, 1 four-roomed self contained flats and 1 bedsitting room.
- 2.2 Planning permission was granted in 2004 for the alteration and conversion of the basement at 133 Pepys Road SE14, to provide 2 one-bedroom self-contained flats.

3.0 Current Planning Application

4.0 The Proposals

- 5.0 The application proposals involve the demolition of a significant part of the existing building, the retention of the existing double-fronted main façade, the construction of a substantial three storey plus roof space extension, and the remodelling of the building to provide two 5 bedroom houses and 1 two bedroom and 2 three bedroom self-contained flats with associated landscaping.

- 5.1 The façade of the original building facing the junction would be retained and the front element of the building would be 4.7m deep with the new 3 storey rear extended element splaying out towards the rear. The extended building would be 18.8m in depth and The width of the retained front part is 10.2m and at its widest part, the extended building would be 19m in width. The splayed facades would line up with the frontages of Pepys Road and Jerningham Road. Each side (street) elevation would become a prime elevation with one side fronting Pepys Road and the other Jerningham Road. Each of these elevations would have a centrally located staircase leading up to the ground floor entrances.
- 5.2 The building would have a pitched, hipped roof with 8 rooflights. A roof terrace is proposed (6.1m long and 9.2m wide) which is inset and accessible from the houses, both of which would have its own private terrace (4.7m wide x 6.1m long).
- 5.3 Both of the 5 bedroomed houses would be spread over 4 storeys with a family room (36.5 sq.m.) and study (15.5 sq.m.) on the ground floor, on the first floor would be a kitchen living diner (50 sq.m.), on the second floor would be 3 bedrooms with ensembles (16 sq.m., 17 sq.m. and 17 sq.m. in floor area) and on the third floor there would be 2 bedrooms both of 11 sq.m. and a bathroom of 7 sq.m.
- 5.4 The 2 bedroom flats on the first and second floors would have bedrooms of 13 sq.m. and 10 sq.m. and a kitchen living diner of 25 sq.m. The 1 bedroom flat would occupy the 3rd floor roof space and would have a bedroom of 12 sq.m. and a kitchen, living room, diner of 31 sq.m.
- 5.5 In terms of outdoor space, the external area would be divided into 4 sections, the 1st section of the site relates to the 5 bedroomed house on the Jerningham Road side which would have a car parking space within an area of gravel/pea shingle, a private garden to the rear of the building with bike storage for 5 bikes and to the front of the property would be areas of planting and bin storage. The 2nd section relates to the garden areas around the flatted accommodation and would consist of bins storage on the Pepys Road side and bicycle storage for 5 bikes on the Jerningham Road side, in front of both stores would be areas of pea shingle screed. The 3rd section relating to the garden around the 5 bedroomed house on the Pepys Road side is similar to that of section 1. The final section is the area to the front of the building which would be communal lawn separated by a central path running down to the front gate.

Supporting Documents

- 5.6 Design and Access Statement – which outlines the proposals, how the scheme has developed, layout, scale, landscaping, neighbour consultation and various other matters.
- 5.7 Significance Assessment by The Architectural History Practice Limited which covers the history of the area and the property, and analyses the significance of the building.
- 5.8 Code for Sustainable Homes Assessment by Isambard Environmental which assesses how the scheme meets Code 4.

6.0 Consultation

Pre Application:

- 6.1 The applicant has advised that they undertook the following consultation prior to the submission of the application:
- 6.2 Regular consultation with the Telegraph Hill Society (THS). The proposals were presented to the THS three times during design development and revised on each occasion to take on board concerns.
- 6.3 On Saturday 5th July, 2014, there was a public presentation of the proposals at Haberdasher's Aske's, Pepys Rd to local residents. The presentation was publicised by:
1. Posting 1000 leaflets through doors in Telegraph Hill.
 2. Placing plans/details of the proposal and the presentation in the Hill Station Café (27th June, 2014).
 3. Placing plans/details of the proposals and presentation in the window of the Telegraph Hill centre (27th June, 2014).
 4. Securing an announcement about the proposals and the presentation on the Brockley Central local newsblog (1st July, 2014).
- 6.4 Nine people attended the presentation, all of whom were in support.
- 6.5 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 6.6 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

Amenities Societies Panel

- 6.7 OBJECTION. Although an ingenious solution to the problem of intensifying development of a prominent corner site in the Telegraph Conservation Area, the Panel felt that this was too great an intervention. Only the shell of the original building is retained while a massive amount of new development is provided, hidden behind replica facades adjoining the side roads. As the Haberdasher's company would never have contemplated 'back to back housing' for this prestigious estate, no amount of attention to detail will make the proposed building sit comfortably within the context of the Telegraph Hill Conservation Area.
- 6.8 The Panel also considered that the lack of private rear gardens, the proposed roof terrace and the use of rooflights on front roofslopes were undesirable aspects of the proposed development.

Written Responses received from Local Residents and Organisations

Telegraph Hill Society:

- 6.9 Appreciates the applicant's efforts to build properties which replicate the existing frontage and that considerable care and attention has been paid to the design. Also that there has been pre consultation meetings with local residents and the society and amendments have been made to the design to incorporate objections.
- 6.10 There are remaining concerns:

- 6.11 Fundamental principle – proposal is not retention of the façade but demolition of all of the original building except the façade. The side facades are visible from the public realm and therefore retention of the front façade is not sufficient. In order to ensure that the appearance from the public realm remains unchanged. This is façadism.
- 6.12 Would set a precedent for the demolition of any original building in the Conservation Area on the grounds that what took its place was an enhancement.
- 6.13 Concern over the number of applications in the Conservation Area for extensions which remove original fabric but they are small and not visible from the public realm. Will be extremely difficult to sustain objections if this application is allowed. May lead to the loss of other buildings within the Conservation Area.
- 6.14 New building cannot be justified because it is a facsimile of the original building or that the new design may look better than the original. Heritage of the area will be destroyed when the majority of the building is destroyed and will radically alter the streetscape. The proposal would be contrary to URB6 as it harms the architectural integrity of the existing building and adversely affects the integrity of a group of buildings as a whole. Fundamentally object to the demolition of the existing property and precedent it will set for the erosion of the remainder of the Conservation Area.
- 6.15 A large building will totally dominate the site. The mass is too large and will read as a single property. The property will have a mass 3 times larger than the existing and from both roads will be considerably squarer and blockier. It will dominate the streetscape especially when seen from Church Park.
- 6.16 There will be two back to back houses – not appropriate Victorian design. Development will obviously be new infill no matter how much it resembles its neighbours in its front facades.
- 6.17 Properties would have little garden space. On balance it is not felt that the development is compliant with policies HSG7, HSG8 and URB6.
- 6.18 Object strongly to rooflights in elevations which are visible from the public realm whether in existing or new properties. The Telegraph Hill Character Appraisal states that roof lights are one of the factors slowly destroying the Conservation Area. These rooflights would set a precedent and they are not compatible with the design of the original properties contrary to policy URB6.
- 6.19 The roof terrace is not a design element found elsewhere within the Conservation Area. Although it is set back it will be obvious from surrounding streets and would cause a loss of privacy contrary to HSG4 (e).
- 6.20 11 letters were received in regard to the application. 8 in support and 3 in opposition.
- 6.21 Points covered by letters of support from 117 Brookdale Road, 39, 39c and 59 Waller Road, 24a, 65 (2) and 155 Pepys Road.
- Design is complementary to its surroundings and will be a notable addition to the conservation area.
 - Current building has always appeared as an isolated block, which has never had any positive connection to the continuity of the streetscape of either Pepys Road

or Jerningham Road. The 'double-frontage' faces the roundabout is in an appalling state of repair and unsightly.

- Does not understand why the existing building's elevation overlooking the park, with excellent views of London, was so poorly designed.
- Can be difficult to persuade local conservation groups of the benefits of development.
- A great deal of consultation was undertaken (both with the planners; residents and Telegraph Hill Society) and that the design is a product of those conversations.
- They have gone to great lengths to ensure that the proposed development respects and continues the form and style of residence in Telegraph Hill. For instance, the proposed building would not only retain the existing front façade; it would create two new ones (on Pepys Road and Jerningham Road) which would replicate the form of façade that exists in the area.
- Rear of the property is very utilitarian in design and certainly not in keeping with the remainder of the property or of similar dwellings in the area. Looks unsightly when driving up Pepys or Jerningham Roads.
- Existing property detracts from the special character of the Telegraph Hill conservation area.
- Potential for the property to be fully realised in a very sympathetic and sustainable manner.
- Proposed development would enhance the Telegraph Hill Conservation Area.
- Development would address the existing design flaws of the building, especially if viewed from Pepys and Jerningham Roads.
- Developer has been transparent and has engaged with the community in getting feedback
- Proposed development would increase the housing stock in the area, this would be beneficial given property prices in London have risen due to limited supply
- During the community meeting held by the architect and owner on 5 July 2014, we heard the presentation of the proposal. Left the meeting with the impression that all attendees were supportive of the project, including the Chairman of the Telegraph Hill Society and an owner of the neighbouring property to 133 Pepys Road.
- Lewisham Council may be minded to reject this planning application – it is surprising and worrying that they would proceed directly against the wishes of the community.
- Suggest that the viewpoints submitted by THCS are not representative of the wider Telegraph Hill community and therefore should not have any impact on the planning decision. If the wider community is to be consulted, I suggest this is done via a survey– concern is that the THCS is providing a view point that is being positioned as representative of the local community when in fact they have not consulted with us.

Points covered by the letters of objection from 169d x 2 and 92 Jerningham Road:

- Extension would not preserve or enhance Telegraph Hill Conservation Area and would have a negative effect on it.. There is no defect in the design of 133 Pepys Road.
- Application claims that the comments in the Conservation Area Appraisal about the property could be taken as an implied criticism. The appraisal states that no such inference shall be made as such appraisals are not comprehensive studies and omissions do not imply that they do not contribute to the character.

- Would lead to a loss of light, privacy and outlook which would substantially damage the amenities of residents in the vicinity;
- Scale is disproportionate;
- A more natural reading is that the design is consistent with the design of the surrounding buildings and should not be altered. The applicant builds their whole cases on this implied criticism.
- Does not follow that the Appraisal recommends a substantial development of the site as a solution.
- Significant Assessment states that the house does not 'really take advantage of the possibilities offered by the prominent corner and the applicant sees this as justification for doubling the number of bedrooms and building in the space behind.
- Gap behind building is presented as a defect although it provides green space and sunlight and contributes to the character of the Conservation Area.
- Appraisal refers to panoramic views and green spaces as integral characteristics of the conservation area. The gap is therefore characteristic. The extension would substantially diminish the conservation area by permanently altering the areas characteristics.
- In doubling the number of occupants it would double the number of cars parking at the top of Jerningham and Pepys Roads.
- Will fundamentally alter the façade of the property and architecture of 133 Pepys Road. It will have a negative visual impact.
- Extension is very large and the scale inappropriate.

7.0 Policy Context

Introduction

7.1 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)

7.2 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

- 7.3 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)'.
- 7.4 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)

- 7.5 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.

Other National Guidance

- 7.6 The other relevant national guidance is:
- Climate change
 - Conserving and enhancing the historic environment
 - Design

London Plan (July 2011)

- 7.7 The London Plan policies relevant to this application are:
- Policy 3.3 Increasing housing supply
 - Policy 3.5 Quality and design of housing developments
 - Policy 3.8 Housing choice
 - Policy 3.9 Mixed and balanced communities
 - Policy 5.3 Sustainable design and construction
 - Policy 5.7 Renewable energy
 - Policy 5.13 Sustainable drainage
 - Policy 5.16 Waste self-sufficiency
 - Policy 6.9 Cycling
 - Policy 6.13 Parking
 - Policy 7.2 An inclusive environment
 - Policy 7.3 Designing out crime
 - Policy 7.4 Local character
 - Policy 7.5 Public realm
 - Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology
Policy 7.9 Heritage-led regeneration
Policy 7.14 Improving air quality

London Plan Supplementary Planning Guidance (SPG)

7.8 The London Plan SPG's relevant to this application are:

Housing (2012)
Sustainable Design and Construction (2006)

London Plan Best Practice Guidance

7.9 The London Plan Best Practice Guidance's relevant to this application are:

Wheelchair Accessible Housing (2007)
London Housing Design Guide (Interim Edition, 2010)

Core Strategy

7.10 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:

Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 1 Housing provision, mix and affordability
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)

7.11 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 12 Landscape and Development
URB 13 Trees
URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development
HSG 7 Gardens
HSG 12 Residential Extensions

Residential Standards Supplementary Planning Document (August 2006)

7.12 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.

7.13 The following emerging plans are relevant to this application.

Development Management

7.14 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.

7.15 The Council expects to formally adopt the DMLP in November 2014.

7.16 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.

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 2	Prevention of loss of existing housing
DM Policy 22	Sustainable design and construction
DM Policy 25	Landscaping and trees
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas
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

8.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Highways and Traffic Issues
- d) Impact on Adjoining Properties
- e) Sustainability and Energy

Principle of Development

8.2 The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

8.3 Policy 3.4 'Optimising housing potential' of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

8.4 The principle of extending this building is considered to be acceptable although the scale and form would have to be appropriate to the building, street scene and conservation area whilst taking into consideration the impact on neighbouring buildings.

Design and Conservation

8.5 Core Strategy Policy 15 states that for all development the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.

8.6 The Council's adopted UDP policies URB 3 Urban Design and URB 6 Alterations and Extensions requires extensions to be of a high quality design which should complement the scale and character of the existing development and setting, and which should respect the architectural characteristics of the original building. Development Management Plan policy DM 31 also states that extensions and alterations will be required to be of a high, site specific, and sensitive design quality. New rooms provided by extensions to residential buildings will be required to meet the space standards in DM Policy 32 Housing Design, layout and space standards.

8.7 DM Policy 38 Demolition or substantial harm to designated and non-designated heritage assets states that heritage assets are an irreplaceable resource and the greater the importance of the heritage asset, the greater the weight will be given to its conservation. As set out in the NPPF, proposals for the demolition or substantial harm to a heritage asset will require clear and convincing justification.

8.8 The National Guidance 'Conserving and enhancing the historic environment' states that an unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building

although if the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area. It goes on to explain that the justification for its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole.

- 8.9 133 Pepys Road was built around 1896 on a prominent plot where Jerningham Road and Pepys Road meet. It is identified as “positive” in the Telegraph Hill Conservation Area Appraisal, which states that 133 Pepys Road has a “prominent location overlooking a road junction but this is not reflected in any departure from the approved house design.”
- 8.10 The applicant believes that the original architects did not take the opportunity to create a larger building with greater landmark value and this view partly forms the basis for the justification for this proposal. However, it is not possible to be certain what the original architects would have done had they not used one of the six copy book styles that were available to them. The applicant considers that a standard copy book style is not appropriate here but that the site requires detailed examination and ‘a carefully crafted, individual architectural solution to ensure the continuity of the architectural language’. Officers consider that the existing building is an appropriate response although it is accepted that the rear element is the weaker part of the existing building. Given this Officers would not resist its removal or an extension of some kind.
- 8.11 Façade retention is no longer regarded as a valid conservation approach and is not generally supported. The applicant relies on the findings of the Architectural Heritage Statement from AHP to justify the demolition of most of the building although it does not suggest retention of the façade, it suggests retention of the front part of the building (page 16). Officers consider that had they meant façade that it is what the report would have said.
- 8.12 The Architectural Heritage Statement considers that the elements of the building which are proposed to be demolished and replaced do not make a positive contribution to the character and appearance of the conservation area. However, that opinion is not shared by Officers who consider the extent of loss of the original built fabric to be excessive and there is insufficient justification for it. It therefore would be contrary to DM Policy 38. In terms of the NPPF it can be argued that the extent of demolition that it is substantial which triggers the tests in paragraph 133 as the Guidance ‘Conserving and enhancing the historic environment directs you to it. Paragraph 133 states that where a proposed development will lead to significant harm to or total loss of significance of a designated asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or all the following apply and it then lists the four tests. The tests being: whether the asset prevents the use of the site, no viable use of the asset can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant funding or some form of charitable or public ownership is demonstrably possible; and the harm or loss is outweighed by the benefit of bringing back the site into use. It is considered that the 1st, 2nd and 4th tests do not apply and the 3rd is not known. There are considered to be no substantial public benefits which outweigh the harm caused to the asset and not all of the tests apply so therefore as directed by paragraph 133 of the NPPF consent should be refused.

- 8.13 Officers also consider that the front part of the building should be retained although the smaller, rear element could be replaced. Certainly the double height bays on both side elevations should be retained.
- 8.14 The proposed development would create side elevations which would align with the building lines of Pepys Road and Jerningham Road which results in the building splaying out from a point 4.7m behind the facade. Whilst the rationale for this approach is understood, the splayed footprint means that all of the existing building would be demolished apart from the front elevation.
- 8.15 The proposed extension to the building is of a scale that does not respect the building to which it relates. The plan form of the proposed building consists of a square block attached to a larger flanged block. The resulting building looks overly large. This is particularly evident when viewed from Jerningham Road and Pepys Roads. This is not a plan form used by the Victorians and sits at odds with the careful Victorian detailing of the proposed side elevations. The only place where the extensions look acceptable is when the property is viewed from directly in front. This is because the extension is viewed in the oblique rather than in elevation.
- 8.16 The existing property is a notable building on a prominent plot and it has in effect three main street façades. The addition of the additional mass onto the retained façade would be highly visible within two street scenes and the conservation area and is considered to result in a bulky building that would detract from this part of the conservation area.
- 8.17 The proposal involves the replication of the existing façade along both side elevations. The applicant has provided assurances that the existing details would be replicated exactly by moulding them and that the materials would be carefully chosen.
- 8.18 The roof slopes of neighbouring properties are shallower than that of the proposed building. Given the size of the building and angle of the roof this results in a large roof. In turn there is a large amount of roofspace (which would contain a flat and bedrooms of the two houses), which would be lit by rooflights. The applicant considers that it is not a sustainable approach to restrict the use of the roofspace by opposing the provision of rooflights. It is considered that the policy objective of sustainability in making best use of land does not override the need to protect the Conservation Area.
- 8.19 Rooflights are resisted on visible elevations in Conservation Areas, because they are uncharacteristic of this house type. The proposed rooflights would introduce a visually obtrusive element, presenting a shiny surface during the day and a lit element within a dark roofslope at night, which would detract from the attempted traditional roofscape, characterised by the unbroken slate covered roof slopes of a matt finish. The fact that this building would effectively have three street frontages means that the impact of the proposed rooflights would be obvious on all three sides.
- 8.20 It is considered that the proposed development would harm the Conservation Area. Although the provision of additional housing is a benefit, the harm caused would not be outweighed by this benefit.

b) Standard of Residential Accommodation

- 8.21 Policy HSG 5 Layout and Design of New Residential Development of the UDP states that the Council expects all new residential development to be attractive and to meet the functional requirements of its future inhabitants. Likewise, Policy 3.5 Quality and design of housing developments of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context.
- 8.22 Policy 3.5 of the London Plan (2011) Quality and Design of Housing Developments states the minimum internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 8.23 DM Policy 32 states that the standards in the London Plan and the London Plan Housing Supplementary Planning Guidance (2012) will be used to assess whether new housing development including conversions provides an appropriate level of residential quality and amenity in terms of size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. The standards and criteria in this policy, including those of the London Plan and the London Plan Housing Supplementary Guidance, will ensure a reasonable level of residential amenity and quality of accommodation, and that there is sufficient space, privacy and storage facilities in development to ensure the long term sustainability and usability of the homes.
- 8.24 The units themselves meet the minimum requirements as set out in the London Housing SPG and in many cases exceed them (required minimum in brackets). Flat 1 - 2b4p flat of 70 sq.m. (70 sq.m.), Flat 2 - 2b3p flat of 62.5 sq.m. (61 sq.m.), Flat 3 – 2b3p flat of 63.5 sq.m. (61 sq.m.), Flat 4 – 1b2p flat of 50 sq.m. (50 sq.m.), Houses 5b8p houses of 226 sq.m. each (123 sq.m.) The room sizes within each flat all meet the required standards also.
- 8.25 The proposal uses the space within the roof and the guidance seeks that there should be a headroom of over 2.5m. Flat 4 is wholly within the roof space whilst the roof is sloped there needs to be sufficient headroom over 2.5m. Within the kitchen living dining room the amount of floorspace with a headroom of over 2.5m would be 19sqm out of 29sqm (65%), Bedroom - 100% and Bathroom - 100%.
- 8.26 The top floor of the townhouses would also be within the roof space and whilst 2 of the 3 bedrooms would exceed the 60% in terms of how much of the floor area would have sufficient headroom - bedroom 4 - 8sqm of 11sqm (72%), bedroom 5 - 5.5sqm of 11sqm (50%) and bathroom - 4sqm of 7sqm (60%). Therefore the 60% figure is not met by bedroom 5 but the guidance indicates the figure is a best practice guide for upper storey bedrooms rather than a requirement.

Amenity Space

- 8.27 The proposal provides private amenity space for the two houses to the side and the rear of the extended building. The gardens meet the required space standards and spacious roof terraces are also proposed. The flats would not have private external space and whilst such provision would be desirable, in this instance, where there is a significant area of garden to the front of the building, providing separate gardens for each flat is likely to result in occupants seeking to enclose their individual garden plot, put up washing lines, children's play equipment etc

which would detract from the appearance of the building. The allocation of individual garden plots would be likely to result in excessive sub-division of the external space and the construction of fencing.

Lifetime homes

- 8.28 Core Strategy Policy 1 requires all new dwellings to be built to meet Lifetime Homes standards. The applicant has provided plans which highlight that most Lifetime Homes criteria would be met and if the proposals were otherwise acceptable, compliance would have been secured by planning condition.

Highways and Traffic Issues

Car Parking

- 8.29 The site has a PTAL rating of 3, which is good and demonstrates that the site is reasonably well served by public transport. One off street parking space has been provided for each of the two houses. There would be no off-street parking provision for the three flats proposed. The surrounding streets have no parking restrictions and the impact is considered to be acceptable. Given the reasonable accessibility levels of the site coupled with the fact that the site is located within an area which is not subject to any parking restrictions it is considered that there would be unlikely to be a significant impact on parking demand in the vicinity given that the property is currently converted into 5 flats of varying sizes. Therefore the proposal is generally be in accordance with CS Policy 14 and Policy 6.13 of the London Plan (2011).

Cycle Parking

- 8.30 Cycle parking is generally required to be 1:1 for residential development and the levels for this development are much higher than that, with the 5 bedroom houses having 1 cycle space per bedroom. As such the cycle storage provided exceeds the requirements are set out in London Plan policy 6.3.

Refuse

- 8.31 Residential Development Standards SPD (amended 2012) seeks to ensure that all new developments have adequate facilities for refuse and recycling. The proposed development provides sufficient refuse and recycling facilities.

Impact on Adjoining Properties

- 8.32 HSG 4 Residential Amenity states that the Council will seek to improve and safeguard the character and amenities of residential areas throughout the Borough by ensuring that new roof additions and extensions respect the character of the surrounding area.
- 8.33 Given the distance between the proposed building and the neighbouring buildings, it is considered unlikely that the proposal would have a significant impact on daylight and sunlight for neighbouring properties. The application contains, within the Design and Access Statement, a daylight and sunlight analysis. It explains that by extending 4m rearwards there is the potential to reduce daylight & sunlight to 171 Jerningham Rd. & 131 Pepys Rd. There are no windows to habitable rooms in the side elevations of either building. Loss of sunlight should be checked for the main living rooms of dwellings as well as conservatories if they have a window facing within 90° of due south (as recommended the BRE Report which is the guidance used for measuring daylight and sunlight).

The living room windows of both 171 Jerningham Rd. & 131 Pepys Rd are located at the front and are therefore not affected by the proposals. Rear reception windows are relevant, although the northerly aspect of these windows (100 degrees off south for Pepys and 125 degrees off south for Jerningham) deems them to be not relevant to direct sunlight loss.

- 8.34 In terms of overlooking and loss of privacy, there are a number of windows facing the gardens of 131 Pepys Road and 171 Jerningham Road on the 1st, 2nd and 3rd floors of the building. Whilst there are windows facing rearwards in the existing building, the new rear elevation would be 4m closer to the rear garden boundary wall. In urban areas there is always a degree of overlooking to neighbouring gardens and there is already a level of overlooking from the windows in the existing rear facing windows. The proposal introduces windows on two levels facing the rear gardens which would be 4m closer than the existing and which could give rise to overlooking. However the applicant has confirmed that the lower sash of each sash window would not be sliding but inward opening from bottom hinges to ensure it cannot be slid up but to allow it to be cleaned. The lower sash would be fully obscured. The upper sash would be half obscured across the lower half. The glass above 1.7m above floor level would be clear to allow views of the roofscapes. It is considered that this would prevent overlooking to the gardens behind and therefore the impact would not be significant.
- 8.35 With regard to the roof lights, they would have a cill height of 1.4m. With the glass of the rooflight sloping inwards at 40° it would not be possible to obtain a view down into the neighbouring gardens.
- 8.36 Given the above it is considered that the possible overlooking and loss of privacy would be mitigated by the partial obscure glazing of the windows on the rear elevation. This could be secured by condition if the proposed development were otherwise acceptable.

Sustainability and Energy

- 8.37 In terms of sustainability, the applicant has confirmed that it is intended that the proposal would meet Code Level 4 of the Code for Sustainable Homes in accordance with Policy 8 Sustainable design and construction and energy efficiency of the Core Strategy (June 2011). A Code for Sustainable Homes Assessment has been submitted showing that the properties would comply with Code 4.

9.0 Local Finance Considerations

- 9.1 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).
- 9.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 9.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

10.0 Community Infrastructure Levy

10.1 The above development is CIL liable.

11.0 Equalities Considerations

11.1 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.

11.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

11.3 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 case it is considered there is minimal/no impact on equality

12.0 Conclusion

12.1 This application has been considered in the light of policies set out in the development plan and other material considerations.

12.2 Officers consider that the scheme has clearly sought to respond to the constraints of the site but owing to its scale results in a building which is overly large detracts from the appearance of the conservation area. The removal of all of the building except for the façade is considered to be unacceptable especially given the notable nature of the building, its position and that the side of the front part of the building clearly contribute positively to the conservation area.

12.3 The proposal would involve a number of rooflights in the roof which would be highly visible and would detract from the appearance of the conservation area.

13 RECOMMENDATION REFUSE PERMISSION subject to the following conditions:-

- (1) The proposed extension by reason of its design and scale is considered to represent an oversized and visually obtrusive development which would harm the character of the existing building, streetscene and conservation area, contrary to saved policies URB 3 Urban Design, URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas and HSG 8 Backland and In-fill Development of the Unitary Development Plan (2004) and DM Policy 30 Urban design and local character, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas, 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, DM Policy 38 Demolition or substantial harm to designated and non-designated heritage assets of the Development Management Local Plan (for adoption November 2014).

- (2) The demolition of the building leaving only part of the façade would result in the loss of a significant portion of a heritage asset within the conservation area, to its detriment and contrary to 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, and DM Policy 38 Demolition or substantial harm to designated and non-designated heritage assets of the Development Management Local Plan (for adoption November 2014).
- (3) The proposed rooflights are considered uncharacteristic of this house type and would be visually obtrusive elements within the roofscape, contrary to URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas of the Unitary Development Plan (2004) and 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.

INFORMATIVES

- (1) The Council engages with all applicants in a positive and proactive way through detailed advice available on the Council's website. On this particular application, pre-application advice was sought. The planning application submitted was considered not to meet plan policies and as such the agent was contacted and advised that the application would be refused.