

Committee	PLANNING COMMITTEE A	
Report Title	65 ERLANGER ROAD SE14 5TQ	
Ward	Telegraph Hill	
Contributors	Colm Harte	
Class	PART 1	29 JANUARY 2015

Reg. No. DC/14/89277

Application dated 26.09.2014

Applicant Mr J Lacey on behalf of Mr A Harder

Proposal The construction of a single storey rear extension, together with the re-instatement of the front wall, railings, gate, path and the installation of a roof light in the rear roof slope.

Applicant's Plan Nos. A0000, A1000, A2000, A3000 Rev B, A4000 Rev A, A5000 Rev B, A13000, A6000 Rev B, A7000 Rev B, A8000 REV B, A9000 REV B, A12000, A1000 Rev A Design and Access Statement, Heritage Statement, Email dated 17/12/14.

Background Papers

- (1) Case File DE/47/65/TP
- (2) Local Development Framework Documents
- (3) The London Plan (July 2011)

Designation Telegraph Hill Conservation Area
Telegraph Hill Article 4(2) Direction

1.0 Property/Site Description

- 1.1 The subject property is a two storey with basement semi-detached Victorian dwellinghouse, situated on the east side of Erlanger Road within the Telegraph Hill Conservation Area, which is subject to an Article 4 Direction.
- 1.2 The property has an original three storey rear projection, the lower floor of which is at a lower level than the ground floor of the main house. There is a small conservatory structure to the rear main elevation, with a short flight of steps down to the rear garden.
- 1.3 The original front boundary wall and tiled entrance path have been removed and the front garden provides a hard paved parking area.
- 1.4 Erlanger Road is largely made up of two storey houses of similar design, with canted bays to first floor level to the front, some of which have basements.

2.0 Planning History

- 2.1 DC/13/84731: Planning permission granted for the installation of hardwood double glazed replacement windows to the front, side and rear of the property.

2.2 DC/13/85807: An application for the construction of a single storey rear extension, front brick wall with railings above and gate was withdrawn following Officer advice.

3.0 Current Planning Application

3.1 The current proposal involves the construction of a single storey extension to the rear measuring 7m deep and 2.3m wide. The extension would infill the side return to the flank of the rear projection and would have a slightly higher element at the rear of the main house to accommodate internal steps down to the remainder of the extension. The proposed extension would predominantly be 3m in height and would have a flat roof, with a small section of sloping roof 1.4m in depth over the internal steps where the extension abuts the main rear elevation. The extension would align with the main flank wall of the building and would involve the removal of the existing ground floor bay window in the flank of the rear projection. It would have a large flat roof light.

3.2 In terms of materials, the extension would be finished in facing brickwork to match the existing property. The rear extension would feature a large double glazed pivot door in the rear elevation and two side facing glazed panels.

3.3 It is proposed to reinstate the traditional tiled path, construct a new front boundary wall, railings and a gate. The alterations and additions to the front of the property, including the installation of railings and front tiled path would reflect the neighbouring properties.

3.4 A low profile conservation type roof light is proposed to be installed within the rear roof slope that would replace an existing smaller roof light, above the existing internal stairs.

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.

4.2 A site notice was displayed and letters were sent to neighbouring residents, to the relevant ward Councillors and to the Telegraph Hill Society.

Written Responses received from Local Residents and Organisations

4.3 Individual letters of objection have been received from Nos. 63 and 71 Erlanger Road raising the following issues:

- Concern is raised that the height of the proposed extension would negatively impact the privacy and daylight and sunlight access of 63 Erlanger Road.
- Concern is raised that the proposed rear extension would result in an overbearing presence on part of the rear private open space area of the adjoining property;
- Concern is raised that the proposed design of the rear extension is not in keeping with the character of the conservation area, would damage the character of the existing house and detract from the overall appearance of the properties. Particular concerns were raised regarding visibility of the proposed extension from Sherwin Road and also from the rear of neighbouring properties on the eastern side of Erlanger Road;

- Insufficient consultation carried out.

Telegraph Hill Society

4.4 Objection from Telegraph Hill Society on the following grounds:

- The proposal would result in the loss of the unusual side bay window;
- The proposed windows to be installed to the rear and side of the proposed extension are not in keeping with the character of the existing building or the wider conservation area;
- The side and rear windows along with the roof light of the proposed extension, would result in light spillage, which would effect the residential amenity of adjoining properties. Concerns that the proposed skylight would also permit views directly into the subject property from the upper floor windows of the neighbouring property located at 63 Erlanger Road.

Amenity Societies Panel

4.5 An objection was raised to the proposed rear extension on the basis of light pollution and that the proposal was out of context with the host building. The proposed works to the front of the property are considered suitable subject to appropriate railing details being provided.

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, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. 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 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 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 3.14 Existing housing
Policy 5.3 Sustainable design and construction
Policy 5.13 Sustainable drainage
Policy 5.18 Construction, excavation and demolition waste
Policy 6.13 Parking
Policy 7.1 Building London's neighbourhoods and communities
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

London Plan Supplementary Planning Guidance (SPG)

- 5.6 The London Plan SPGs relevant to this application are:
Accessible London: Achieving an Inclusive Environment (2004)
Housing (2012)
Sustainable Design and Construction (2006)

London Plan Best Practice Guidance

- 5.7 The London Plan Best Practice Guidance's relevant to this application are:
Control of dust and emissions from construction and demolition (2006)

Core Strategy

- 5.8 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 Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 9 Improving local air quality

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

- 5.9 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

- 5.10 The following policies are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development

DM Policy 22 Sustainable design and construction

DM Policy 25 Landscaping and trees

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 Development Management Local Plan DM Policy 31 'Alterations and extensions to existing buildings including residential extensions' states that "*alterations and extensions, including roof extensions will be required to be of 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.”

- 6.3 DM Policy 36 states that the Council will not grant planning permission where development would be incompatible with the special characteristics of the area, its buildings, spaces, settings, form and materials.
- 6.4 New rooms provided by extensions to residential buildings are required to meet the space standards in DM Policy 32 Housing Design, layout and space standards. Extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area.
- 6.5 The proposed single storey rear extension would infill the side return of the original rear projection at ground floor level, adjacent to number 63 Erlanger Road. The proposed extension would be aligned with the main flank elevation and would therefore be set 990 mm away from the side boundary with No.63.
- 6.6 The proposed extension would be in a contemporary design in brick construction and featuring large glazed panels in the flank and rear elevations. It is noted that partial views to the upper floors of the rear elevation of the subject property exist from Sherwin Road, when viewed across the rear gardens of two neighbouring properties (61 and 63 Erlanger Road). It is considered however that the proposed ground floor extension would not be highly visible. The Telegraph Hill Society has raised concerns that the proposed windows and glazed door would not be in keeping with the original window design.
- 6.7 The Council is supportive of contemporary design provided it relates well to the host property and is well detailed. In this case, the proposed extension design is considered to be complimentary to the existing property and would be clearly read as a later addition. The proposed double size, glazed door in the rear elevation of the extension would be contemporary in design and is considered to juxtapose acceptably with the design of the rest of the house due to its simplicity. It would not be highly visible from the public realm (in Sherwin Road) and it is considered it would have a largely neutral impact on the character and appearance of this part of the conservation area. It is proposed to be finished using matching facing materials and finishes which would help ensure that it would be in keeping with the host dwelling. The extension would remain below the level of the existing first floor windows, which would ensure that the extension does not appear dominant.
- 6.8 The current proposal is considered to represent a significantly more modest proposal than the scheme which was previously submitted (DC/13/85807) and withdrawn following advice from officers. The previous proposal involved a larger ‘wrap around’ extension and included the removal of the ground floor section of the two storey bay window in the rear elevation of the rear projection. The proposed alteration to the window opening in the existing rear facing bay could be carried out as permitted development.
- 6.9 It is acknowledged that the proposal would result in the loss of the existing single storey side bay window. DM Policies 31 and 36 requires extensions to respect original features and the Telegraph Hill Society have objected to the removal of the bay window. The retention of this bay window would preclude an extension infilling the space to the side of the rear projection and it is considered this would fetter, to an unreasonable extent, the owner’s ability to develop their property. The Council has previously accepted the removal of side bay windows to allow infill

extensions in a number of instances. For example, permission was recently granted at 36 Pepys Road which is also located within the Telegraph Hill Conservation area for the construction of an infill side extension that resulted in the removal of this feature (DC/14/87529/80832).

- 6.10 In this case the bay window is not a feature that is highly visible from the public realm and it is therefore considered that its loss in this location would have a negligible impact on the character and appearance of the conservation area.
- 6.11 In terms of materials, the proposal would be finished in brickwork to match the existing property. A condition is proposed requiring further details of materials to ensure satisfactory high quality detailing.
- 6.12 The proposals to remove the front garden car parking space and reinstate a front boundary wall with railings and a front gate and path are welcomed and subject to satisfactory materials and detailing, would result in a significant improvement to the appearance of the property frontage, since the front garden is currently of poor appearance. A low front boundary wall of satisfactory design is proposed that would be surmounted with railings, with a hedge behind. A mosaic tiled path to the entrance and front steps in natural stone are proposed. As part of the documentation provided, the applicant has provided examples of the proposed front boundary treatment and tiled entrance footpath. The approach to the design of the front garden is satisfactory and a condition is proposed to require details of materials and finishes to be agreed with the Council prior to the commencement of works.
- 6.13 Objection has also been raised to the proposed roof window to be located upon the rear roof slope of the existing house. Views of the proposed rear roof from Sherwin Road are largely screened by the pitched roof of the existing three storey rear projection and therefore the rooflight would not be highly visible from the public realm. There is an existing skylight window in this position and the applicant has also indicated that the proposed roof light would be of a low profile conservation type. The proposed rear rooflight, set flush with the roof slope, is considered to be acceptable.

Impact on Adjoining Properties

- 6.14 DM Policy 31 states that residential extensions, roof terraces, balconies and non-residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity (including in relation to sunlight and daylight) to adjoining houses and their back gardens.
- 6.15 In relation to privacy, the proposed ground floor extension includes two side facing windows. As part of this application, a replacement 2 metre boundary fence, between the subject site and No. 63 Erlanger Road is to be installed. This is considered to prevent any unacceptable overlooking from the proposed extension. It should also be noted that the proposed side facing glazed panel which links the rear extension to the existing dwelling would replace an existing glazed porch. It is therefore considered that the proposed extension and associated glazing would not result in a significant loss of privacy to the adjoining property.
- 6.16 An objection has been raised based on concerns about loss of daylight and sunlight to the neighbouring property No. 63 Erlanger Road, which is to the north and at a somewhat lower level relative to the application property. However, considering the location of the existing two storey rear projection, the height of the

proposed extension and the proposed 990 mm set back from the property boundary, the loss of daylight and sunlight to the rear facing windows and garden is not considered to be significant. The properties have generous rear gardens and it is not considered that the proposed extension would have a harmful impact to the extent that refusal of permission is indicated.

- 6.17 No.63 would retain a satisfactory outlook and it is not considered that the proposed extension would be over-dominant. The proposed development is therefore considered acceptable in terms of its impact upon the amenities of neighbouring occupants.
- 6.18 Concerns have been raised regarding the impact of light spillage from the proposed roof light in the single storey extension. The impact is considered not to be significant in a built-up location where existing windows of neighbouring properties are in close proximity and in the context of the existence of street lighting in both Erlanger Road and Sherwin Road.

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.
- 7.3 The Mayor of London's CIL is therefore a material consideration. CIL is not payable in relation to this application.

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:-
- i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - ii. advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - iii. 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.
- 8.4 In this matter there is considered to be 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, including the representations received.

9.2 The proposal is considered acceptable and permission is recommended.

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:

Drawing Nos: A0000, A1000, A2000, A3000 Rev B, A4000 Rev A, A5000 Rev B, A13000, A6000 Rev B, A7000 Rev B, A8000 REV B, A9000 REV B, A12000, and A1000 Rev A.

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) 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 DM Policy 31 of Lewisham Council's Development Management Local Plan.

- (4) Notwithstanding the drawings and information hereby approved, no development shall commence on site until a detailed schedule, specification and samples of all facing materials, roof coverings, windows and external doors have been submitted to and approved in writing by the local planning authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: To ensure that the local planning authority may be satisfied as to the detailed external appearance of the development in relation to the existing building and its surroundings and to comply with Policies 15 High quality design for Lewisham.

- (5) Notwithstanding the drawings and information hereby approved, no development shall commence in relation to the front garden works until a detailed schedule, specification and samples of all materials, railings and finishes have been submitted to and approved in writing by the local planning authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: To ensure that the local planning authority may be satisfied as to the detailed external appearance of the development in relation to the existing building and its surroundings and to comply with Policies 15 High quality design for Lewisham.

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.