

Committee	PLANNING COMMITTEE A	
Report Title	32A PENDRELL ROAD, LONDON, SE4 2PB	
Ward	Telegraph Hill	
Contributors	Kate Hayler	
Class	PART 1	29 JANUARY 2015

<u>Reg. Nos.</u>	DC/14/88943
<u>Application dated</u>	01.09.2014 as amended (18.11.2014)
<u>Applicant</u>	Kristina Butschbacher Architecture on behalf of Mr & Mrs Rohit Patkar
<u>Proposal</u>	The construction of a single storey extension to the rear, together with the installation of replacement railings and handrails to the lightwell at the front of the building.
<u>Applicant's Plan Nos.</u>	Location Plan, 32APR.PL.01, 02, 03, 32APR.Front Railings, Rear Garden Facade Photo (Received 01/09/2014) and Design & Access Statement Rev A and 32APR.PL.04 & 05 (Received 18/11/201)
<u>Background Papers</u>	(1) Case File DE/60/32A/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Existing Use
<u>Screening</u>	n/a

## **1.0 Property/Site Description**

- 1.1 The application property is the basement/ground floor flat within a three storey mid terrace Victorian house that has been converted into flats. The property is accessed from the front, down steps into a semi-basement area. There is a change in level between Pendrell Road and Drakefell Road such that the front of the property is at basement level but the rear of the property is at ground floor level and the unit has sole access to a generously proportioned rear garden. To the rear there is an original 3 storey outrigger extension.
- 1.2 The application site is in the Telegraph Hill Conservation Area but is not in the vicinity of any listed buildings.

## **2.0 Planning History**

- 2.1 None relevant.

### **3.0 Current Planning Applications**

- 3.1 The current application is for the construction of a single storey extension to the rear of 32A Pendrell Road SE4, together with the installation of replacement railings and handrails to the lightwell at the front of the building.
- 3.2 The proposed handrails would match those on the pathway to the upper floor flats and would be finished in cast iron.
- 3.3 The proposed rear extension would infill the side return to the side of the outrigger extension leaving a courtyard measuring 3m deep by 1.4m wide. The extension would wrap around the end of the outrigger extension and would extend out from the existing rear elevation by 4m. The extension would feature an a-symmetric dual pitched roof such that the eaves forming the boundary with no 34 are 2.6m high and the eaves forming the boundary with No. 30 are 2.3m high.
- 3.4 In terms of materials, the flank walls are to be finished in reclaimed London Stock bricks and the roof would be finished in natural slate to match the host property. As originally submitted the rear wall was to be finished in treated timber but following concerns raised by the Telegraph Hill Society and the Council's Conservation Officer, this has been amended to be reclaimed London Stock bricks. The extension would feature 3 rooflights and would allow the existing living room to be converted into a second bedroom.

### **4.0 Consultation**

- 4.1 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

- 4.2 One letter of objection was received from a neighbouring occupier and one letter of objection was received from the Telegraph Hill Society. The following matters were raised:
- The size of the extension is excessive;
  - The proposed Velux rooflight could result in noise since the extension is to be a main living area/dining area. We suggest the use of fixed glazing would prevent this problem;
  - The proposed black stained timber is not in keeping with the character of the Telegraph Hill Conservation Area.

#### Telegraph Hill Society

Objection from the Telegraph Hill Society on the following grounds:

- The large plate glass/aluminium type windows are ugly and inappropriate to the conservation area and do not reflect the character or alignment of existing doors or windows;
- The extension will have 3 rooflights which will severely impact on the enjoyment of neighbouring properties as the upward facing roof lights will shine directly into the windows of adjoining properties and allow these properties direct views into the floors below. The design is not neighbourly;

- The replacement railings at the front are acceptable in principle although the detailed design of these are not clear and should be conditioned;
- The proposed extension extends out 4.05m past the rear wall of our property and will extend along roughly a quarter of the length of the garden which would create a sense of enclosure;

4.3 In addition to the above objections, the applicant has forwarded emails from the other leaseholders of the property confirming that they had no objection to the proposals.

#### Thames Water

4.4 No objection

### **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.

#### Other National Guidance

- 5.5 The other relevant national guidance is:  
Conserving and enhancing the historic environment  
Design

#### London Plan (July 2011)

- 5.6 The London Plan policies relevant to this application are:  
Policy 5.4 Retrofitting  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

#### London Plan Supplementary Planning Guidance (SPG)

- 5.7 The London Plan SPG's relevant to this application are:  
Housing (2012)

#### 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:

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

#### 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 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 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

#### Residential Standards Supplementary Planning Document

5.11 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.

### **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
- c) Sustainability and Energy

#### 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 The proposals to replace the existing low quality handrails to the front of the property with high quality cast iron railings that match the railings on the rest of the property are welcomed and are considered to make a positive contribution to the character and appearance of the conservation area.
- 6.5 The proposal includes a rear extension which is the full width of the garden. Such extensions can give rise to conservation and other concerns. In this case the original rear bay window has been removed and was replaced with a brick infill and patio doors some years ago.

The negative potential effects have been ameliorated in the proposals by the limited depth of the proposed extension and the well-handled double pitched roof which breaks up the rear elevation into two elements, reflecting the visual articulation of the original building.

- 6.6 The proposed rear extension would not be visible from the public realm and is not considered to have a significant impact on the character and appearance of the conservation area. In terms of the impact of the proposals on the host property, it is considered that the single storey design would ensure that the extension remains subservient to the host property. The proposed [amended] materials would match those of the host property and the proposed asymmetric roof (which reduces impact on the amenity of neighbouring occupiers) is considered to be an acceptable contemporary element that would complement the appearance of the host property. Concern has been raised about the design of the windows/doors on the rear façade but it is considered that the proportions and alignment of the windows would be sympathetic to those on the upper floors. In addition, the proposed door is a set of double French doors, similar to those that appear in the neighbouring property.
- 6.7 It is considered that the design of the proposals would have an acceptable relationship with the host property and would have an acceptable impact on the character and appearance of the Conservation Area.

#### Impact on Adjoining Properties

- 6.8 DM Policy 31 states that residential extensions should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens. The policy also states that residential extensions should retain an accessible and usable private garden that is appropriate in size in relation to the size of the property, and retain 50% of the garden area.
- 6.9 Whilst relatively large, the proposal would retain in excess of 50% of the existing garden area. Concerns have been raised that the proposal would have a negative impact on the amenity of neighbouring occupiers.
- No. 34 Pendrell Road has a window on the rear wall of the main house and two windows on the side wall of the outrigger extension. The proposed wrap around extension has been designed with a courtyard element that will maintain light to the window on the rear wall and the two side windows. The proposed extension has been designed to minimise the height of the parapet walls on the boundary with neighbouring properties. Whilst there might be some loss of light to these windows as a result of the increase of height on the boundary from 1.8m to 2.6m, it is not considered that the impact would be significant in comparison to the impact from the existing built form and boundary treatment.
- 6.10 Concern has been raised about the sense of enclosure that would result from the proposed extension. With the recent changes to permitted development rights, it is generally understood that larger extensions will now be acceptable where in the past they might have been considered to result in an unacceptable impact on neighbouring amenity (including increased sense of enclosure). The gardens to these properties are large (17m) and the adjacent properties will still have access to a large proportion of garden that will be unaffected by the proposal. There might be some increased sense of enclosure when the proposed extension is experienced from the area of garden directly adjacent to it and in the narrow

section of the side return, but given the changes to permitted development rights, it is no longer considered that a 4m single storey extension would necessarily have an unacceptable impact on residential amenity.

6.11 Concern has been raised about noise from the proposed extension but given that the unit will remain in residential use, it is not considered that the proposal would result in unacceptable levels of increased noise. It is not considered that a condition requiring the rooflights to be fixed shut would be necessary. Concern has also been raised about light spillage from the proposed rooflights. However, in a recent appeal decision, where concern was raised about light spillage from roof windows in a residential extension (Ref: APP/C5690/A/14/2226795), the Inspector's view was that most people have curtains or shutters which they would use to close out any unwanted light and that the proposal would not result in a loss of amenity from light spillage.

6.12 On balance, it is considered that the proposal would have an acceptable impact on neighbouring amenity.

### Sustainability and Energy

6.13 The proposal complies with the principle of extending an existing building and maximises the use of a site. For a development of this scale it is not considered appropriate or necessary to insist upon the inclusion of renewable energy facilities.

## **7.0 Community Infrastructure Levy**

7.1 The proposed 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:-

- 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.

9.2 On balance, Officers consider that that the proposal would have an acceptable impact on the character and appearance of the conservation area and the host property and would not result in an unacceptable impact on the amenity of neighbouring occupiers. The scheme is therefore considered 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:

Location Plan, 32APR.PL.01, 02, 03, 32APR.Front Railings, Rear Garden Facade Photo (Received 01/09/2014) and Design & Access Statement Rev A and 32APR.PL.04 & 05 (Received 18/11/201)

**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 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 Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

- (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 proposed replacement railings at the front until details of the design and specification of the proposed railings 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.

### **INFORMATIVES**

- a) 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.
- b) There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
- c) 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 0800 009 3921.