

Committee	PLANNING COMMITTEE A	
Report Title	9 Tyson Road, London, SE23 3AA	
Ward	Forest Hill	
Contributors	Kasuni Thewarapperuma	
Class	PART 1	19 November 2015

<u>Reg. Nos.</u>	DC/15/92829
<u>Application dated</u>	04 June 2015
<u>Applicant</u>	Mr Henderson GR Henderson Architectural Design for Mr and Mrs Bullock
<u>Proposal</u>	The installation of replacement uPVC double glazed windows to the front, rear and sides of 9 Tyson Road SE23
<u>Applicant's Plan Nos.</u>	Site Location Plan, Existing Elevations 01, (dated 18-06-2015, G.R. Henderson Arch Design) Revised drawings Proposed Elevations 01 Rev E (received 5 November 2015, G.R Henderson Arch Design)
<u>Background Papers</u>	(1) Case File LE/69/9/TP (2) Core Strategy (Adopted June 2011) and Development Management Local Plan (adopted November 2014)
<u>Designation</u>	PTAL 2 Local Open Space Deficiency Not in a Conservation Area Not a Listed Building Unclassified

1.0 Property/Site Description

- 1.1 The application property relates to a four storey detached brick building located on the northern side of Tyson Road, SE26. The property has been converted to flats in the early 1980s.
- 1.2 As existing, the property contains timber top hung windows to the front, sides and the rear. The front and the side elevations are visible from the public footpath. Other properties on the street appear to have a mixture of window styles and materials.
- 1.3 The site is not located within a Conservation Area and is not a Listed Building. It is not subject to an Article 4 Direction.

2.0 Planning History

- 2.1 **1983:** Planning application for the alterations and conversions of 9 Tyson Road, SE23 into 4 self contained flats, together with the formation of a gable extension at roof level was granted on 1 December 1983.

3.0 Current Planning Application

3.1 The application relates to the installation of replacement uPVC double glazed windows to the front, rear and sides of 9 Tyson Road SE23. The proposed windows are:

Elevation	Floor Level	No.	Height	Width	Proposed Window Style
Front	Lwr Ground	W1	1100	810	Sliding sash - uPVC
	1st floor	W2	1820	660	Sliding sash – uPVC
	1st floor	W3	1820	910	Sliding sash – uPVC
	1st floor	W4	1820	660	Sliding sash – uPVC
	2nd floor	W5	1070	710	Sliding sash – uPVC
	2nd floor	W6	1070	710	Sliding sash – uPVC
	1st floor	W7	1540	810	Sliding sash – uPVC
Rear	Ground	W8	1680	810	Top Hung casement uPVC
	1st floor	W9	1680	810	Top Hung casement uPVC
	2nd floor	W10	1070	710	Top Hung casement uPVC
	2nd floor	W11	1070	710	Top Hung casement uPVC
	1st floor	W12	1680	810	Top Hung casement uPVC
	Ground	W13	1540	810	Top Hung casement uPVC
Side (East)	1st floor	W14	1540	810	Top Hung casement uPVC
Side (West)	1st floor	W15	1070	710	Sliding sash – uPVC

3.2 Not all windows would be replaced. The windows that are not being replaced are mainly timber and with uPVC framed windows located on the side and front elevations.

3.3 All of the proposed windows would be uPVC double glazed windows which would replace the existing timber windows that are currently in poor condition.

3.4 The scheme has been revised following initial concerns about the opening styles of windows. The revised scheme proposes sliding sash windows to the front and western side elevations which currently contain sliding sash windows.

3.5 Window labelled W14 on the eastern elevation would be a top hung uPVC window. Officers note that the other window on this elevation which would not be replaced is also a top hung uPVC window.

4.0 Consultation

4.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.2 A site notice was displayed and letters were sent to residents in the surrounding area.

Written Responses received from Local Residents and Organisations

4.3 No responses received.

Written Responses received from Statutory Agencies

- 4.4 No responses received.
- 4.5 Although no objections have been received, this matter is referred to committee as the applicant is a Member of the Council.

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 (March 2015)

- 5.5 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4 Local character
Policy 7.6 Architecture

Core Strategy

- 5.6 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the 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

Development Management Local Plan

- 5.7 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:

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

DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings

Residential Standards Supplementary Planning Document (August 2006)

- 5.9 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

6.0 Planning Considerations

- 6.1 The main planning considerations for this application are the design and the impact of the proposed development upon the appearance of the property and the surrounding area. Regard should also be given to the impact upon neighbouring amenity.

Design

- 6.2 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

- 6.3 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30 and 31, seeks to apply these principles. The Council's Residential standards SPD provides officers with further detailed guidance to apply to such residential proposals.
- 6.4 DM Policy 30 supports the Core Strategy as it sets out detailed principles to support good urban design in the borough and the Council will require alterations to existing buildings to attain a high standard of design. The policy also addresses detailed design issues and states that planning applications must demonstrate the creation of a positive relationship to the existing townscape to preserve an urban form which contributes to local distinctiveness, such as building features. Furthermore, building materials used should be of high quality and either match or complement the existing development.
- 6.5 DM Policy 31 sets out more specifically how to achieve good quality alterations to existing buildings and states that proposals for alterations will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features. It further states that replacement windows where controllable by the Council should closely match the pattern of the original windows.
- 6.6 The proposal seeks to replace the existing original timber single glazed windows currently in poor repair with uPVC double glazed windows, inserting the proposed windows into the existing openings.
- 6.7 At the rear, the windows would not be visible from public viewpoints.
- 6.8 Sliding sash windows are proposed to the front and western side elevations which would be visible from the public realm. These elevations feature existing sliding sash windows. The existing top hung windows on the front (top floor) and west side elevations would be replaced with sliding sash windows, which results in all windows visible from the public realm restored to the original opening style, consistent with the DM Policy 31.
- 6.9 The window (W14) on the eastern side elevation would be replaced with a top hung window. Officers note that the other window on the ground floor which would remain unchanged by this application is also a top hung uPVC window. Window W14, while not of the original style, maintains the uniformity of opening styles on this elevation. On balance, officers consider this to be unobjectionable.
- 6.10 The proposed windows are therefore considered to be acceptable in this regard. Given the mixture of window materials within this street, uPVC replacements are also considered to be unobjectionable.
- 6.11 Whilst officers would encourage consistency across elevations, in this case, given the fact that some existing timber windows are being retained which is welcomed. The proposal is, on balance, considered to be acceptable.

Residential Amenity

- 6.12 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must therefore be

demonstrated that proposed alterations are neighbourly and that significant harm will not arise with respect to overbearing impact, loss of outlook, overshadowing, loss of light, loss of outlook or general noise and disturbance.

6.13 The proposed alterations to the property do not include the creation of additional openings. It is therefore considered that there would be no increase in overlooking or loss of privacy.

6.14 In light of the above, the proposed development is considered to be acceptable with regards to neighbouring amenity.

7.0 Equalities Considerations

7.1 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.

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

7.3 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

7.4 In this matter there is no impact on equality.

8.0 Conclusion

8.1 The proposed development is considered to be acceptable with regards to design and neighbouring amenity and permission is therefore recommended.

9.0 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:

Site Location Plan, Existing Elevations 01, (dated 18-06-2015, G.R. Henderson Arch Design)

Revised drawings Proposed Elevations 01 Rev E (received 5 November 2015, G.R Henderson Arch Design)

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.

10.0 INFORMATIVE

- A. **Positive and Proactive Statement:** 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.