

Committee	PLANNING COMMITTEE A	
Report Title	178 Waller Road, SE14 5LU	
Ward	Telegraph Hill	
Contributors	Amanda Ghani	
Class	PART 1	18 <sup>th</sup> February 2016

<u>Reg. Nos.</u>	(A) DC/15/ 94024
<u>Application dated</u>	08/10/15
<u>Applicant</u>	Miss C Colvin
<u>Proposal</u>	Retrospective application for the construction of a timber building in the rear garden of Flat A, 178 Waller Road, SE14.
<u>Applicant's Plan Nos.</u>	01, 02, Rear Garden Plan, Site Location Plan, Heritage Statement, Calculations, Photographs
<u>Background Papers</u>	(1) This is Background Papers List (2) Case File DE/49/178/TP (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Area of stability and managed change.

## **1.0 Property/Site Description**

- 1.1 The property is the basement flat of a three-storey, mid-terrace, Victorian dwelling that has been converted into three flats. The property is on the west side of the road close to the junction with Kitto Road. There are canted bays on the front elevation of each floor. A set of steps in the small front garden leads down to the basement level giving access to the front door which is set in one side of the canted bay window. Historically, the entrance would have been under the main staircase that gives access to the two upper floors; this has been blocked up to allow for a kitchen area in the basement flat. The rear garden has been divided into two separate areas, for the occupants of the ground floor flat and the basement flat. The rear garden attached to the basement flat is the end part of the garden and includes a narrow strip of land from this area to the property which is only accessible through French doors via the rear bedroom. The timber building has been built in the rear part of the garden.
- 1.2 The property lies within the Telegraph Hill Conservation Area, is subject to an Article 4 Direction, but is not and is not in the vicinity of a Listed Building.

## **2.0 Planning History**

- 2.1 The installation of timber casement replacement windows to the front of 178A Waller Road SE14 and replacement PVCu patio doors at the rear. Application refused on 03/06/13 due to insufficient information being submitted by applicant.

The conversion of 178 Waller Road bedsitting room and 1, two room self-contained flat, 1, three room self-contained flat and 1, four-roomed self-contained maisonette. Granted 12/11/92

#### Other Relevant History

- 2.2 Similar approved development in the road includes a timber shed at 118 Waller Road granted 10/03/09, a double-garage at 131 Waller Road granted 19/11/09 and demolition of a garage and the building of a garden room and shed at 104 Waller Road granted 21/03/12.

### **3.0 Current Planning Applications**

#### The Proposal

- 3.1 This is a retrospective application for the construction of a timber building in the rear garden of Flat A, 178 Waller Road, SE14. The cabin measures 3.5m wide, 5m deep and a maximum of 2.75m high. It is positioned 0.6m from the rear western boundary, 0.86m from the southern boundary and 0.7m from the northern boundary.

#### Supporting Documents

- 3.2 Heritage Statement – The statement gives an overview of the Conservation Area, access and information regarding the cabin's design.

### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

#### **Pre-Application Consultation**

- 4.3 Pre-application advice was sought from a planning officer on 25/09/15. The officer advised the applicant that as a flat, the property has no permitted development rights and so an application for retrospective permission should be submitted.

#### Written Responses received from Local Residents and Organisations

Three objections were received from numbers 77 and 79 Bousfield Road and 180 Waller Road and are summarised as follows:-

- Concern over noise levels from instruments being played in the cabin.
- Possible weakening of tree roots.
- The size and appearance of the cabin.
- Concern over the use of the structure now and in the future.

- Disturbance due to motion activated light on eastern façade.

Copies of letters are available to members.

#### Written Responses received from Statutory Agencies

4.4 None

### **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.

5.2 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)

5.3 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

5.4 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)'.

- 5.5 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

- 5.6 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

#### London Plan (March 2015)

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

Policy 5.3 Sustainable design and construction  
Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.4 Local Character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

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

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

Housing (2012)

#### Core Strategy

- 5.9 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  
Policy 8 Sustainable design and construction and energy efficiency  
Policy 15 High quality design for Lewisham  
Policy 16 Conservation areas, heritage assets and the historic environment

#### Development Management Local Plan

- 5.10 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:

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 26 Noise and Vibration

DM Policy 30 Urban design and local character

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 (August 2006/update 2012)

- 5.12 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.

The Telegraph Hill Conservation Area Appraisal

- 5.13 The property is within character area 1a, Waller Road and is one of the four prestigious streets with its terraced paired properties making it the most uniform road in the area.

## **6.0 Planning Considerations**

- 6.1 The main issues to be considered in respect of this application are whether the single storey timber building is of a high quality design, the impact on adjoining properties and whether it preserves and /or enhances the visual amenities of the Telegraph Hill Conservation Area and neighbouring properties in the area:

Principle of Development

- 6.2 The proposal is to retain the timber built cabin at the rear of the property. There is no objection in principle to ancillary garden structures, however, they must be of high design quality, of an appropriate scale and have an acceptable impact on residential amenity.

Design and Heritage

- 6.3 Core strategy Policy 15 states that 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.
- 6.4 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.

- 6.5 There is a statutory duty placed on the Council to only approve development which preserves or enhances the character and appearance of the Borough's Conservation Areas.
- 6.7 The cabin is 5m deep, 3.5m wide, with a double-pitched roof measuring 2.75m in height and 2.55m at the eaves. The roof overhangs the front elevation of the cabin by 0.5m creating a narrow porch area and a wooden step gives access to the front door. The cabin has been constructed with double skinned timber walls. There is a double-glazed window in each of the side elevations and a full height, double-glazed fixed window and a set of double-glazed French doors in the front elevation. A motion sensitive halogen light is fixed to the front external façade close to the boundary with number 176. The cabin has an internal electricity supply but no water supply.
- 6.8 The area between the cabin and the main house is paved and lightly gravelled with a mixture of stones and bark chippings and has room for a table and chairs in front of the cabin. Over 50% of the garden area is still retained. The cabin is considered appropriate in terms of quality of design, size and scale for the rear garden.
- 6.9 Whilst the cabin is partially visible from properties at the rear, it is not visible from the public realm and therefore officers consider there is no unacceptable impact on the character of the wider Telegraph Hill Conservation Area. In terms of the scale, mass and design is not considered to be inappropriate development for the rear garden or the character of the Telegraph Hill Conservation Area.

## **7.0 Impact on Adjoining Properties**

- 7.1 The application site backs on to properties in Bousfield Road. The rear garden of the application site is higher than the rear gardens in Bousfield Road and the application property is sited on a hill running north-south, the garden is slightly higher than that of 176 Waller Road and in turn slightly lower than that of number 180.
- 7.2 Officers visited both 178 Waller Road and the property directly behind it, 79 Bousfield Road which is approximately 1m lower than Waller Road. The occupant at 178A has erected new fence panels at this boundary and a trellis has been attached to the top to hide the cabin from view. The cabin is located close to the shared boundary with number 79 which is not considered unusual in a rear garden context; the top part of the cabin is visible from the rear garden of number 79. The cabin and the fence have created no loss of light to the rear garden and no privacy issues for the applicant or neighbouring properties; none of the windows overlook neighbouring properties. Officers do not consider the dimensions of the cabin to be overly large, the design of the cabin is considered in keeping with its surroundings and complies with DM Policies 31 and 36.
- 7.3 Objections received regarding the use of the cabin, specifically the playing of musical instruments is allowed as this is deemed an acceptable activity as the cabin is being used as ancillary living space to Flat A, 178 Waller Road. Any issues pertaining from excessive noise from such an activity would need to be referred to Environmental Health. An objection has also been made regarding future use of the cabin; therefore officers consider it appropriate to condition any permission, to ensure the cabin is used only for purposes incidental to the enjoyment of Flat A in

perpetuity. The motion sensor light on the front elevation of the cabin is not subject to planning controls; any illumination nuisance caused by the light would need to be referred to Environmental Health.

- 7.4 In order to secure the cabin and its use as ancillary residential accommodation, a condition is recommended to be attached to any planning permission.
- 7.5 A further issue raised in the objections, relates to the impact on an existing tree. The cabin has been secured to the ground with a peg system, ensuring that the tree directly adjacent to the cabin has not had its root system compromised.

## **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 It is considered that the proposed change of use of 51 Bargery Road would assist in providing equality of opportunity in terms of childcare in the Borough, and there is therefore no adverse impact on equality issues.

## **Conclusion**

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 Officers consider that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the building, the surrounding area or the wider Telegraph Hill Conservation Area. Furthermore there would be no adverse impact on neighbouring amenity and the scheme is therefore considered acceptable.

## **RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

- (1) The development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

01, 02, Rear Garden Plan, Site Location Plan, Photographs, Heritage Statement, Calculations.

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

- (2) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the garden building hereby approved shall only be used for purposes ancillary to the residential use of the basement flat known as Flat A, 178 Waller Road and shall not be occupied as any form of self contained residential accommodation without prior the benefit of planning permission.

**Reason:** The application has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to relevant Policies in the London Plan (2015), Core Strategy (2011) and Development Management Local Plan (2014).

## **INFORMATIVES**

- (1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion.