

Committee	PLANNING COMMITTEE A	
Report Title	FLAT B, 103 PEPYS ROAD, LONDON, SE14 5SE	
Ward	TELEGRAPH HILL	
Contributors	SIMON VIVERS	
Class	PART 1	21 APRIL 2016

<u>Reg. Nos.</u>	DC/15/94365
<u>Application dated</u>	06/11/2015
<u>Applicant</u>	Mr M Johnson Cantel Developments Ltd
<u>Proposal</u>	The construction of a single storey extension to the side and rear of Flat B, 103 Pepys Road, SE14 5SE
<u>Applicant's Plan Nos.</u>	01 Rev A, 03 Rev A, 04 Rev A, 05 Rev A, Design & Access Statement Rev A, Heritage Statement Rev A (received 6 November 2015), 15 Rev B, 16 Rev A (received 24 February 2016), 13 Rev G, 14 Rev D (received 7 April 2016)
<u>Background Papers</u>	(1) Case File LE/1071/54/TP (2) Core Strategy (2011) (3) Development Management Local Plan (2014) (4) The London Plan (2016)
<u>Designation</u>	Telegraph Hill Conservation Area Telegraph Hill Article 4(2) Direction Not a Listed Building Unclassified PTAL 4
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site is located on the eastern side of Pepys Road and comprises a three storey Victorian building subdivided into four self contained flats. This application relates to the ground floor flat, Flat B 103 Pepys Road. The subject flat contains three bedrooms.
- 1.2 The property is semi detached, and paired with 101 Pepys Road to the north. Adjacent properties are similar in their design and layout. The property has a large rear garden which is shown to have a depth of approximately 70m. The garden slopes from east to west (towards the Pepys Road), and is terraced rear of the flat. The application site is situated in part of Pepys Road which slopes south to north, thus the host property is located slightly lower than 105 Pepys Road to the South, however there is no change in levels between 101 and 103 Pepys Road (to the north). A 1m wide and 12m long raised side garden is located adjacent to the boundary shared with 105 Pepys Road.

- 1.3 The property has an existing two storey (plus loft) rear projection, with a width of 4.35m and a depth of 10.2m, which is mirrored by 101 Pepys Road. A rear extension has occurred at 101 Pepys Road, which extends 4.7m from the rear building line of its double storey rear projection.
- 1.4 The site is located within the Telegraph Hill Conservation Area (character area 1[a]). The local area and subject site is characterised by two storey semi detached houses built to standardised designs between 1870 and 1900.
- 1.5 The subject property is within the Telegraph Hill Article 4 direction area (removing permitted development rights for certain works). however the subject property and host building do not have permitted development rights given they relate to flats.

2.0 Planning History

- 2.1 DC/06/64250: The alteration and conversion of 103 Pepys Road SE14, to provide 1 studio, 1 one bedroom and 2 three bedroom self-contained flats, together with the provision of refuse storage to the front (planning permission was granted 24th May 2007).
- 2.2 The subject property forms one of the two three bedroom self contained flats established by the approval of this conversion. This approval also granted exclusive use of the rear garden for the subject property. Side access of the property is shared between the lower ground floor flat and the subject property (giving rear access to the lower ground floor flat).

3.0 Current Planning Application

The Proposal

- 3.1 The application seeks planning permission for the construction of a single storey side and rear extension. A summary of the dimensions of the proposal is as follows:

Width: 6.08m - approximately full width (maximum width of host building is 6.3m)

Depth: 4.7m from rear projection, 10.65m from side return (3.79m gap between side return and extension)

Height: 3.1m at rear elevation, 3.3m maximum (at wall of extension nearest to side return)
- 3.2 The proposal is a modern design, which incorporates a flat roof with three rooflights located above. The proposal will be constructed of brick, and will have aluminium doors to the rear. Detailed material specifications have not been submitted as part of the application. The proposal would enlarge the kitchen/living area and provide a larger bedroom. Internal changes would occur to the layout and location of the bathroom and 3rd bedroom.
- 3.3 A 3.971m x 2.0m courtyard space is retained between the main rear building line and commencement of the extension in order to maintain an

existing access from a bedroom of the property and rear access to the kitchen of the lower ground floor flat.

- 3.4 Two windows would be installed within the flank wall of the property, servicing a bedroom and the kitchen/dining area.
- 3.5 The proposal would also require the excavation and formation of a new courtyard and steps, and would extend an additional 3m from the current courtyard. The side garden would also be removed, and this area excavated to the side boundary, to maintain access down the side of the property to the rear garden.

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 Adjoining occupiers, The Telegraph Hill Society, the Amenity Societies Panel and Telegraph Hill ward Councillors were notified. A Conservation Area site notice was also displayed, and a press notice was also run.
- 4.3 A local ward Councillor provided a response, recommending that the application be determined by committee decision.

Written Responses received from Local Residents and Organisations

- 4.3.1 Objections were received from the adjoining occupier at 101 Pepys Road, The Telegraph Hill Society and the Amenity Societies Panel. Grounds of objection are summarised as follows:

- The design is not in keeping with the Victorian architecture of Telegraph Hill, and is overbearing, unsympathetic and dominant in relation to the host building;
- The wrap around design of the extension destroys the articulation between the main building and original rear projection;
- The proposal requires the demolition of the existing rear wall and the original bay window. Alterations which require such substantial demolition of the original fabric of a building should not be permitted;
- The design and access statement does not make any mention to proposed materials. In any extension is permitted, it is essential that the brickwork is matching yellow stock brick and with Flemish Bonding;
- An alternative design should be submitted which of similar design and scale to the extension at 101 Pepys Road (no objection in principle to a rear extension to the property);
- The height and depth of the extension would harm the amenity the rear extension at 101 Pepys Road, through overshadowing a velux roof window and rear bay window, loss of daylight and sunlight and creation of a sense of enclosure;
- The proposal would restrict outlook from part of the adjoining occupiers bay window;
- The proposed rooflights may cause excessive light spill; and

- The proposal would create a narrow gap between the subject extension and the existing extension, which may fill with leaves and become a damp hazard for both properties,

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 any determination under the planning acts must be made in accordance with the development 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 that (paragraph 211), 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

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

London Plan (2016)

- 5.5 On the 15th March 2015, the London Plan (consolidated with alterations since 2011) was adopted. However, on the 14th March 2016, the London Plan was updated to include the Housing Standards and Parking Standards Minor Alterations to the London Plan. The London Plan policies relevant to this application are:

Policy 7.4 Local character
Policy 7.5 Public Realm
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 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 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 Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1	Presumption in favour of sustainable development
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

Residential Standards Supplementary Planning Document (August 2006, updated 2012)

- 5.8 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:
- a) design and scale and its impact on the host building and the character and setting of neighbouring buildings and conservation area; and
 - b) impact that the proposal has on the amenity of adjoining occupiers.

Design & Scale

- 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 In respect of determining planning applications relating to heritage assets, NPPF paragraph 131 advises that:

“local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.”

- 6.4 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.

- 6.5 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.

- 6.6 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.

- 6.7 DM Policy 36 states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving and or enhancing their character and or appearance, will not grant planning permission where alterations and extensions to existing buildings are incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.8 Chapter 6 of the Residential Standards Supplementary Planning Document (August 2006) sets out Council's expectations for the design of householder extensions. Rear extensions should reflect and enhance the appearance of the house and be smaller and lower than the original building. While the use of traditional building materials is encouraged, modern materials are supported in appropriate circumstances.
- 6.9 The Conservation Officer supports the principle of a rear extension and a modern design, but objected to scale of the proposed extension. This was due to the proposal not respecting the shape or form of the original building and general lack of subservience.
- 6.10 However, on balance, officers consider the proposed extension - while significant in terms of its scale and proportions - would remain subordinate to the original dwelling. The proposed extension relates to the ground floor level of a two storey property, and does not overwhelm the proportions of the host building. It also matches the depth of the neighbouring extension at 101 Pepys Road. The modern architectural design of the extension contrasts to the Victorian character of the existing dwelling. This is considered to be acceptable for the context of a single storey rear and side extension, particularly which is not visible from public spaces.
- 6.11 The rear extension which has been constructed at 101 Pepys Road is more subordinate in scale to its host building largely given it extends only from the existing rear projection. The proposal differs through the design wrapping around the side and rear original projection. The proposal would not exceed the full width of the host building, and would maintain a 1.1m side boundary setback to 105 Pepys Road.
- 6.12 DM Policy 31 requires that high quality matching or complementary materials should be used for extensions and alterations to buildings. The applicant has proposed the use of brickwork to match the existing dwelling. This is considered acceptable and would be complimentary to the original building as well as the wider conservation area. It is recommended that a condition is applied to secure brickwork in materials to match the existing building.
- 6.13 The two windows to be installed at the flank elevation are timber framed, and will be detailed to match the upper level windows at this elevation. This is considered acceptable and would compliment the original detailing of the host building. Grey aluminium framed doors are to be provided to the rear elevation, which is acceptable in the context of a modern extension and elevation with limited visibility
- 6.14 The proposal includes the removal of a Holly Tree which is approximately 7m high. No objection has been raised by the tree officer to this element of the works. No other vegetation of maturity or significance would be removed as part of the proposal.

- 6.15 Overall, the proposed works to the dwelling introduce a complimentary modern aspect which is of an acceptable design and scale, thereby not causing harm to the character and setting of the host building. In addition, by virtue of the acceptability of the design and the lack of visibility from public viewpoints, the proposal is considered to preserve the special character of the Telegraph Hill Conservation Area.

Amenity

- 6.16 For areas of stability and managed change, Core Strategy Policy 15 states that small household extensions and adaptations to existing housing will need to be designed to protect neighbour amenity.
- 6.17 DM Policy 30 states that residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.18 The existing side wall of the property is located 2.8m from the boundary shared with 105 Pepys Road. The proposed side wall would be situated 1.1m from this boundary, and would also include the installation of two side windows (servicing the bedroom and kitchen areas). It is not considered that the proposal would cause any unreasonable loss of amenity to the occupiers of 105 Pepys Road, given the development would remain sufficiently set back from the side boundary, and would not introduce overshadowing, loss of daylight/sunlight or a loss of existing outlook to this neighbour. The installation of the two windows within the flank elevation is acceptable given opportunities for direct views towards 105 Pepys Road are limited by boundary fencing.
- 6.19 The two windows to be installed within the flank elevation would provide outlook from a bedroom and to the kitchen/living area. The main outlook from the kitchen will be to the rear of the site, therefore the subject window will be a secondary light/outlook source only. The flank wall window for the bedroom would be its single point of light and outlook. While the window will have limited outlook due to the proximity to the side boundary fence, this is considered acceptable, and would not be substantially different to the outlook from the existing bedroom. Additionally, one rooflight would be located above the bedroom and would create a significant improvement over the amenity of the existing bedroom.
- 6.20 The lower ground floor flat is a studio layout. A kitchen is located in the eastern part of the flat, which has door access to a courtyard at semi-basement level at the side of the property. A view would occur from the kitchen down the side path of the property. Through the enlargement of the property to the side, the proposal would introduce a 1.7m wide x 3.3m high wall causing obstruction to the existing view from the kitchen.
- 6.21 The outlook from the kitchen is limited by virtue of its semi-basement level setting, and any rear view would have been limited due to the slope of the site (the view would not extend to the rear garden). The main outlook for the lower ground floor flat is over the front of the property towards Pepys Road, which would remain unchanged. On this basis, the impact on the rear outlook of the studio flat below is considered acceptable. The 3.971m setback between the wall of the proposed extension and the kitchen window

of the lower ground flat is considered acceptable, and would not result in an unacceptable level of overshadowing, outlook or loss of daylight/sunlight to the kitchen which would warrant refusal.

- 6.22 Negotiations with the applicant during the course of the application secured smaller and more subservient rooflights. Some light spill would occur to rear facing room windows of the flat above, however this is considered acceptable for a urban setting.
- 6.23 The proposal would extend to the same depth (4.7m) as the extension at 101 Pepys Road, but would overlap 0.9m further of the closest third of the bay window. The rear wall of the proposal would also sit 0.6m higher than the neighbouring extension. The proposal is not considered to cause unreasonable harm to the outlook from the neighbours extension, given general rear outlook would be unaffected. The proposal would cast a shadow over the nearest part of the bay window, however the remaining 2/3 would not be affected.
- 6.24 The objection from the occupier at 101 Pepys Road also details overshadowing of a rooflight, however this not considered to be minimal, given the subject rooflight is set away from the proposal and at approximately the same level.
- 6.25 As described above, the proposal would not be expected to have a significant adverse impact on the amenity of neighbouring residents.

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.

8.0 Conclusion

- 8.1 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) The London Plan (2016) and the National Planning Policy Framework (2012).

8.2 In summary, the proposal is considered to be acceptable in its design, scale and materials, would not cause any unreasonable harm to the amenity of adjoining occupiers, would not cause harm character and appearance of the host building and would preserve the special character of the Telegraph Hill Conservation Area. The proposal therefore demonstrates compliance with DM policies 30, 31, 36 and Core Strategy Policies 8, 15 & 16.

9.0 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:

01 Rev A, 03 Rev A, 04 Rev A, 05 Rev A (received 6 November 2015), 15 Rev B, 16 Rev A (received 24 February 2016), 13 Rev G, 14 Rev D (received 7 April 2016)

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 brickwork, including works of making good, shall be carried out other than in materials to match those existing.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building 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) The use of the flat roofed extension/flat roof on the 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 Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

INFORMATIVES

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.