

Committee	PLANNING COMMITTEE B	
Report Title	Skehans Freehouse, 1 Kitto Road	
Ward	Telegraph Hill	
Contributors	Maeve Wylie	
Class	PART 1	28 th July 2016

<u>Reg. Nos.</u>	DC/16/096376
<u>Application dated</u>	22.05.16
<u>Applicant</u>	Bill's Beers LTD
<u>Proposal</u>	The installation of a dwarf wall with railings above at the front and side of Skehan's Pub, 1 Kitto Road, SE14, to enclose the decking area.
<u>Applicant's Plan Nos.</u>	1510/PL/1, 1510/PL/2, 1510/PL/3, 1510/PL/4, 1510/PL/5, 1510/SK/3, 1510/SK5, Site Location Plan, Heritage Statement.
<u>Background Papers</u>	(1) Case File DE/337/1/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Telegraph Hill Conservation Area and Article 4 Direction

1.0 Property/Site Description

- 1.1 This application relates to a ground floor pub located on the northern side of Kitto Road. The property is located on the corner where Kitto Road and Gellatly Road meet. The main entrance to the Pub is located on Kitto Road while there is also an entrance on Gellatly Road to the rear external area.
- 1.2 The building was built in the 1800's as a pub, originally The Duke of Albany, and is a prominent three storey red brick building. It is a corner building with typical Victorian pub frontage. Some of the historical features include clay tile roof pierced with gables over pairs of sash windows and tall chimney stacks.
- 1.3 The building is situated on a street which is mainly residential, with Nunhead Rail Station situated a short distance away.
- 1.4 The application site is located within the Telegraph Hill Conservation Area and is subject to an Article 4(2) Direction. The property is a locally listed building.
- 1.5 The Locally Listed Building description of Skehans Freehouse describes it as "pre-1884. Originally The Duke of Albany. A prominent three storey red brick corner Telegraph Hill Conservation Area building with typical Victorian pub frontage. Clay tile roof pierced with gables over pairs of sash windows. Tall chimney stacks. Called "Skehans" at the time of local listing."

2.0 Planning History

2.1 **2016** – Permission **Refused** for the erection of glazed screening over decking to front of Skehan's Pub, 1 Kitto Road. The reason for refusal was due to the design and materials not being sympathetic to the locally listed building or the surrounding conservation area.

2.2 **2004** – Permission **Granted** for the construction of a conservatory and linking extension to the front of the former stables/coach house building at the rear of Skehan's Freehouse, 1 Kitto Road SE14 for use as a restaurant (Use Class A3) in connection with the existing public house.

2.3 **1999** – Permission **Granted** for the formation of an external staircase (Fire Escape) to first floor level together with alterations to the rear elevation of 1 Kitto Road SE14.

2.4 Enforcement case

2.5 **2015** – An enforcement case was open for this building due to the construction of unauthorised decking. The decking was reduced in height to conform to permitted development regulations. Consequently, no enforcement action was taken.

3.0 Current Planning Application

3.1 The installation of a dwarf wall with railings above at the front and side of Skehan's Pub, 1 Kitto Road, SE14, to enclose the decking area.

3.2 The proposed works include the creation of a dwarf brick built wall of 0.4m in height with railings attached to an additional height of 1m to the front external area of Skehans Pub. This proposal would create a more enclosed area than is already existing as the brick wall and railings would act as a barrier from the foot pavement and road.

3.3 The materials to be used would be red brick in the dwarf wall with grey engineering brick capping, the brick is to be sourced to match the existing brick on the front of the building. The bond will be Flemish bond to match the main building.

3.4 The cast iron railing proposed would have rods and a finial detail to match those on the neighbouring houses on Kitto Road.

4.0 Consultation

4.1 Fourteen neighbouring properties, Telegraph Hill Ward Councillors, Amenities Society Panel (ASP) and the Telegraph Hill Society were consulted regarding the application.

4.2 Objections were raised by two neighbour who made the following points:

- The proposal will encourage more outside drinking and therefore more noise
- Would increase the number of people staying about after closing hours
- More chance of people spilling on to a busy road which could be dangerous

5.0 Policy Context

5.1 Introduction

5.2 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.

5.3 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.

5.4 National Planning Policy Framework

5.5 The NPPF was published on 27th 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)' .

5.6 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.

5.7 London Plan (2015)

5.8 The London Plan policies relevant to this application are:-

Policy 5.3 Sustainable design and construction

Policy 7.4 Local character

Policy 7.8 Heritage assets and archaeology

5.9 Core Strategy

5.10 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:

Spatial Policy 2 Regeneration and Growth Areas

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

5.11 Development Management Local Plan

5.12 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 lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate 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

DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest.

6.0 Planning Considerations

6.1 The relevant planning considerations are whether the proposal retains and/or enhances the integrity of the locally listed building, is of an appropriately high quality of design for the character and appearance of the Telegraph Hill Conservation Area and is acceptable in respect of neighbouring amenity.

6.2 *Design and appearance*

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 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. The retention and refurbishment of existing buildings that make a positive contribution to the environment will be encouraged and should influence the character of new development and a sense of place. An adequate response to how the scheme relates to the existing street including its building frontages will be required including:
- The quality and durability of building materials that either match or complement the existing and their sensitive use on the development and the justification behind the choice.
 - The activity and visual interest for the public provided by the development at ground floor level with the provision of windows and doors to provide physical and visual links between buildings and the public domain.
 - A statement describing the significance of heritage asset, including its setting will be required for proposals that impact on such an asset.
- 6.6 DM Policy 31 states that the Council will expect alterations and extensions to be of a high, site specific, and sensitive design quality and respect and/or complement the form, setting, period, architectural characteristics and detailing of the original building.
- 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 is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.8 DM Policy 37 sets out the general principles for development in non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest. The Council will seek to retain and enhance locally listed buildings and structures and may use its powers to protect their character, significance and contribution made by their setting, where appropriate. The Council will resist the demolition of locally listed buildings and expect applicants to give due consideration to retaining and incorporating them in any new development.
- 6.9 Skehans Freehouse is an establishment which has retained many of its original features and is an asset to the Telegraph Hill Conservation Area. The pub is situated on a prominent corner plot and is a distinctive part of the streetscape where Kitto Road, Drakefell Road and Gellatly Road all meet. The existing front elevation of the pub includes timber decking with timber framing, giving the area a sense of enclosure from the public footpath. The area includes a good quantity of soft landscaping with potted plants placed on the timber decking and various plants hung from each side of the door and above the signage on the ground floor.
- 6.10 From assessing this proposal officers considered that the proposed dwarf wall and railing would not have a detrimental impact on the character of the conservation area as the materials complement the host building. The proposal would be in accordance with Core Strategy Policy 15 and DM Policy 37 which seek development to either

“preserve or enhance” the character of Conservation Areas. This proposal is considered to achieve this.

- 6.11 The proposed front boundary treatment replaces one of unsympathetic design and poor quality materials which are considered to detract from the building’s architectural features. The proposed piers, gates and dwarf wall achieve a more consistent boundary treatment in relation to comparable neighbouring elements. The use of materials is more sympathetic and would be an enhancement to the surrounding area. When viewed from the public realm, the proposal results in little alteration to the present appearance of the building and in consequence, the visual qualities of the settings of the neighbouring buildings, the streetscape and the wider conservation area remain unharmed.
- 6.12 Policy would seek that the materials used are cohesive and consistent with the building form. The majority of properties on Kitto Road have a front boundary of black metal railings with some having dwarf walls which is an appropriate Victorian feature. The corner door which is also characteristic of Victorian Pubs is retained in this application, as opposed to the previous refusal, and supported by officers on this basis.
- 6.13 There is no evidence to suggest that the installation of the dwarf wall and railings would create loitering of the outside area after the pub hours have finished. In fact from the existing layout seating would be lost around the boundary of the decking area in place of the proposed wall and railings, therefore providing less opportunity to sit. Officers deem that the wall and railings would play no part in the suggestion from the objector that the proposal would increase a risk of accidents due to the location of the pub on a busy road and more people being outside compared with the existing situation.
- 6.14 Overall, the design and materials of the proposed wall and railings is considered to be compatible with the special characteristics of the building and conservation area and for the reasons set out above, officers consider the design of development to be acceptable.
- 6.15 *Impact on adjoining properties*
- 6.16 As existing this area is used as a seating area/smoking area for the pub and the size of the area would not be increased in conjunction with the addition of the proposed dwarf wall and railings. The scale of the dwarf wall and railings is also considered to be of an acceptable size that is appropriate to the host building. The height of the wall and railings would be 1.35m, which is a more ‘human’ scale and an improvement on the 1.6m which was proposed in the previous application. Officers consider that the introduction of railings to the front elevation would present a congruous addition to the building and terrace, which would be visually acceptable within the street scene and conservation area and complete the opening decking area. Even though Skehan’s Freehouse is in such a prominent location, where three roads meet, this would not have a detrimental effect on the area as a whole. The historical features of the pub would still be clearly visible behind the boundary treatment.
- 6.17 Taking into consideration the comments received from an objector Officers deem that the development of the dwarf wall and railings would not introduce a detrimental impact in terms of increasing outside drinking and the associated higher levels of noise. The furniture is already existing, benefitting from permitted development, and

is within the pub's curtilage therefore it does not require planning consent. The proposed development would help keep this area enclosed and more separated from the adjoining public pavement. Officers do not consider that this area would be used more intensely as a result of the proposed boundary treatment.

6.18 Therefore, impacts on adjoining neighbours are not expected to change materially to those existing at present.

7.0 Community Infrastructure Levy

The above 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:-

- (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.

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 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 Officers consider the proposed works to be acceptable with regards to design and neighbouring amenity and the scheme is therefore considered acceptable. The development proposed is considered to have no negative impact on the character of the Telegraph Hill Conservation Area due to a combination of high quality materials and the development being of modest scale in relation to the host building.

10.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

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:

1510/PL/1, 1510/PL/2, 1510/PL/3, 1510/PL/4, 1510/PL/5, 1510/SK/3, 1510/SK5, Site Location Plan, Heritage Statement.

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.

Informatives

- (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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.