

Committee	PLANNING COMMITTEE	
Report Title	5 BEVERLEY COURT, BREAKSPEARS ROAD, LONDON, SE4 1UN	
Ward	BROCKLEY	
Contributors	Russell Brown	
Class	PART 1	6 th October 2016

<u>Reg. Nos.</u>	DC/16/096965
<u>Application dated</u>	07.06.2016
<u>Applicant</u>	Mrs F Wynne
<u>Proposal</u>	The construction of a dormer to the rear roofslope of 5 Beverley Court, SE4, together with the insertion of a conservation style rooflight to the front and a boiler flue to the rear roofslope.
<u>Applicant's Plan Nos.</u>	Heritage, Design & Access Statement; VMZINC Facades Specification; 1502 A -00-00; 1502 A - 00-01; 1502 A -00-02; 1502 A -00-03; 1502 A - 00-10; 1502 A -00-11; 1502 A -00-20; 1502 A - 00-21; 1502 A -00-32; 1502 A -00-33; 1502 A - 01-01; 1502 A -01-02 Received 7th June 2016 1502 A -01-20 Rev 01; 1502 A -01-41 Received 15th July 2016 Aerial Photo Received 18th July 2016 1502 A -01-30 Rev 01; 1502 A -01-31 Rev 01 Received 19th July 2016 1502 A -00-100 Received 23rd August 2016 1502 A -01-03 Rev 02; 1502 A -01-04 Rev 02; 1502 A -01-10 Rev 02; 1502 A -01-21 Rev 02; 1502 A -01-22 Rev 02; 1502 A -01-23 Rev 02; 1502 A -01-40 Rev 02 Received 30th August 2016
<u>Background Papers</u>	(1) Case File DE/89/5/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	Brockley Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application property is a two storey, mid-terrace single family dwellinghouse located on the west side of Beverley Court, a private road leading to a small neo-Georgian, 1950s cul-de-sac development of 21 properties accessed off Breakspears Road. The houses, which are finished in white painted render, are grouped in three terraces, enclosing a pleasant planted parking courtyard. The two-bed application property faces the rear of properties on Breakspears Road and is within a terrace of seven properties.
- 1.2 To the rear there are private garages for use only by those who own a property in Beverley Court, but which can also be accessed off Wickham Road. To the north is the railway embankment.
- 1.3 There are no existing extensions that have been granted planning permission to the rear roofslope of this terrace nor to any of the properties in this court, just the unauthorised one at No. 12.
- 1.4 The property is in Brockley Conservation Area and is subject to an Article 4 direction restricting permitted development rights, but is not a listed building. The street is close to St. Peters Church in Wickham Road which is Grade II listed. It is included within Character Area 1: Wickham, Breakspears, Tressillian and Tyrwhitt Roads of the Brockley Conservation Area Character Appraisal.
- 1.5 The road is unclassified and the site has a PTAL rating of 3/4.

2.0 Relevant Planning History

- 2.1 DC/10/74744/FT: The construction of a single storey conservatory to the rear of 5 Beverley Court, Breakspears Road SE4. **Granted and implemented.**

2.2

3.0 Current Planning Application

- 3.1 Planning permission is sought for the construction of a dormer to the rear roofslope to allow for the conversion of the loft space into a habitable room.
- 3.2 It would measure 2.8m deep by 2.5m high by 3m wide and 80cm from the party wall boundaries with a 75cm set back from the eaves. It would be clad in zinc standing seam with have a slightly sloping GRP (Glass Reinforced Plastic) roof over a waterproof membrane and white coloured powder coated aluminium or steel framed casement and fixed windows to its west face. The rainwater pipe would be concealed within and the roof would feature a perimeter valley gutter behind the parapet.
- 3.3 Also proposed is the installation of a heritage style rooflight to the front roofslope and a zinc clad boiler flue to the rear roofslope projecting 90cm from the eaves.

4.0 Consultation

- 4.1 Pre-application advice was sought through the Council's Duty Planner Service.
- 4.2 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

- 4.3 A site and a public notice were displayed and letters were sent to three adjoining residents, Brockley Ward Councillors and Brockley Society.

Written Responses received from Local Residents and Organisations

- 4.4 Five objections were receiving from residents of Beverley Court raising the following concerns:
- The proposals would impact negatively on the aesthetic value of the cottage style of the houses, especially nos. 1-7, in the Brockley Conservation Area.
 - The proposals would set an unwelcome precedent, be unpopular and are considered opportunist. Many properties have been able to do a loft conversion without the need for a rear dormer, which would be inappropriate and unsightly.
 - The dormer would destroy the ethos behind the Brockley Article 4 direction.
 - The front rooflight would be unnecessary and ugly and more light would enter the loftspace through one or two rooflights to the rear.
- 4.5 The Brockley Society also objected to the roof dormer extension and rooflight for the following reasons:
- The proposed dormer to the rear roof slope is without any precedent within the extant hitherto unchanged roofscape of Beverley Court.
 - As a result it is considered to be wholly unacceptable by way of:
 - being of an inappropriate design, scale and bulk for these 2 storey cottage terraces
 - making no attempt to harmonise with the extant fenestration pattern and style or minimise the impact within and without the extant roofscape by seeking to accept the constraints of available internal space
 - failing to comply with the BCA SPD policy of no rooflights to front roof slopes and as recently reinforced by the Appeal Inspector's Report on 46 Wickham Road (ref. APP/C5690/W/15/3039159 of 24 November 2015)
 - It thereby challenges the very root of Beverley Court's Conservation Area status and more so by virtue of its exposed location as approached via the footpath leading from Wickham Road.
 - It is recommended therefore that this application be refused or withdrawn.

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 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, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2015). 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

- 5.5 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 2016)

- 5.6 On 14 March 2016 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
Policy 7.8 Heritage assets and archaeology

Core Strategy

- 5.7 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 1 Lewisham Spatial Strategy

Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Plan

- 5.8 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 (updated May 2012)

- 5.9 Paragraph 6.7 (Roof Extensions) states that all roof extensions should be sensitively designed to retain the architectural integrity of the building and sets out some design principles to achieve this.

Brockley Conservation Area Supplementary Planning Document (December 2005)

- 5.10 This document advises on the content of planning applications, and gives advice on external alterations to properties. It sets out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details.

6.0 Planning Considerations

- 6.1 The relevant planning considerations are the impact of the proposal on the character and appearance of the existing building, on the Brockley Conservation Area and on the amenities of neighbouring occupiers.

Design and conservation

- 6.2 Paragraph 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 131 states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.
- 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 Historic England best practice.

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. DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions 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. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.

- 6.5 The proposed dormer would be set in from the eaves of the roof by 500mm and the party wall boundaries by 500mm on each side. It would also be set down from the roof ridge by 55mm. The scale and massing of the extension raises some concerns from a conservation perspective, and in particular the width of the cheeks and its relationship with existing features of the property. An alternative design with a pair of smaller dormers aligned with lower windows may have some merit. However the scheme as submitted, on balance, is considered to be subordinate to the rear elevation in terms of its scale and massing and as such is acceptable in this regard.
- 6.6 It is acknowledged that the proposed materials for the dormer, specifically the zinc standing seam, GRP roof over a waterproof membrane and powder coated aluminium or steel windows, would be different to those of the existing building. However, they are considered to be an appropriate use of a modern material that would not offend the existing materials of the building and would represent a high quality design. Officers recommended that further details be sought regarding the rainwater pipe, which should be concealed internally, and the lead flashing, which should complement the colour of the existing roof and be of high workmanship. Details were subsequently submitted and deemed sufficient. The window designs have also been amended to relate to the existing fenestration style, each being divided up into eight panels by glazing bars.
- 6.7 This design is therefore considered acceptable, subject to delivery in accordance with the plans. The suitability of the design relies on the materials being contemporary, which is the case. This stance is backed by the Council's Core Strategy Policy 15 that applies national and regional policy and guidance to ensure highest quality design, the Development Management Local Plan Policy 30 that requires all development proposals to attain a high standard of design and Policy 31 that requires alterations and extensions, including roof extensions, to be of a high, site specific, and sensitive design quality.

6.8 With regard to the proposed front rooflight, although there are no other rooflights in the terrace, on balance, it is not considered that this modest conservation style addition would harm the character of the conservation area.

Impact on residential amenity

6.9 Core Strategy Policy 15 for Areas of Stability and Managed Change states that any adverse impact from small household extensions on neighbouring amenity will need to be addressed. DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.

6.10 It is considered that there would be no significant impact from the proposal on the amenities of neighbouring properties to the side and rear of the subject property in terms of levels of sunlight, daylight, outlook and noise. Although the dormer extension would overlook surrounding properties, there is an existing situation of overlooking due to the presence of rear windows on lower floors and the proposed replacement window would be fitted into an existing opening. As such, it is considered that the proposal would not result in a perceptible loss of privacy.

6.7 As regards the proposed front rooflight, there would be no perceptible impact on the levels of sunlight, daylight, outlook, privacy and noise currently experienced by neighbouring properties.

6.8 Therefore, the proposal is considered to have an acceptable impact on neighbouring amenity.

Equalities Considerations

6.9 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.10 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
- (c) Foster good relations between people who share a protected characteristic and persons who do not share it.

6.11 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

6.12 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly

with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

- 6.13 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 6.14 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 6.15 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

Conclusion

- 7.0 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), London Plan (March 2016) and the National Planning Policy Framework (2012).
- 8.0 It is considered that the design, form and materials for the proposal are appropriate and would preserve the character and appearance of the property itself and the Brockley Conservation Area, without impacting adversely on residential amenity.
- 8.0 RECOMMENDATION: GRANT PLANNING 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:

Heritage, Design & Access Statement; VMZINC Facades Specification; 1502 A - 00-00; 1502 A -00-01; 1502 A -00-02; 1502 A -00-03; 1502 A -00-10; 1502 A -00-11; 1502 A -00-20; 1502 A -00-21; 1502 A -00-32; 1502 A -00-33; 1502 A -01-01; 1502 A -01-02 Received 7th June 2016

1502 A -01-20 Rev 01; 1502 A -01-41 Received 15th July 2016

Aerial Photo Received 18th July 2016

1502 A -01-30 Rev 01; 1502 A -01-31 Rev 01 Received 19th July 2016

1502 A -00-100 Received 23rd August 2016

1502 A -01-03 Rev 02; 1502 A -01-04 Rev 02; 1502 A -01-10 Rev 02; 1502 A -01-21 Rev 02; 1502 A -01-22 Rev 02; 1502 A -01-23 Rev 02; 1502 A -01-40 Rev 02 Received 30th August 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. The roof lights hereby permitted shall be conservation style and be fitted flush with the plane of the roof.

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 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

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 and proactive discussions took place with the applicant prior to the application being submitted through the duty planner service. Whilst the proposal was in accordance with these discussions, further minor revisions were required after comments from Urban Design Officers.