

Committee	PLANNING COMMITTEE B	
Report Title	Flat 2, 42 Cranfield Road, London, SE4 1UG	
Ward	Brockley	
Contributors	Alfie Williams	
Class	PART 1	06 July 2017

<u>Reg. Nos.</u>	(A) DC/17/100686
<u>Application dated</u>	15/03/2017
<u>Applicant</u>	Ms Garnett
<u>Proposal</u>	The installation of replacement double glazed uPVC windows in the rear elevation of Flat 2, 42 Cranfield Road, SE4.
<u>Applicant's Plan Nos.</u>	Drawing of Replacement Windows; Existing Rear Elevation Photograph; Site Location Plan; Heritage Statement and Design & Access Statement.
<u>Background Papers</u>	(1) This is Background Papers List (2) Case File LE/451/308/TP (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	[Core Strategy, Site Allocations Local Plan] - Existing Use,

## **2.0 Property/Site Description**

- 2.1 The application site is a three storey Victorian mid-terrace property converted into three self-contained flats. This application is concerned with the first floor flat. The property is located on the southern side of Cranfield Road, a residential road within the Brockley Conservation Area.
- 2.2 The property has an attractive front elevation that retains the original timber sliding sash windows with twin glazing bars. In contrast, the rear elevation has undergone a number of alterations including the construction of a single storey extension and the construction of a dormer to the rear roof slope. Replacement casement windows have been installed at ground and first floor levels.
- 2.3 The rear garden backs onto properties in Harefield Road and consequently the rear of the property is not visible from a public highway. The property is not listed but is subject to the Brockley Conservation Area Article 4 Direction.

## **3.0 Planning History**

- 3.1 **DC/08/691345** – The installation of two roof lights in the front roof slope and the replacement of the rear dormer window with a double glazed timber framed sliding sash window at 42C Cranfield Road, SE4.

## **4.0 Current Planning Applications**

### The Proposals

- 4.1 The application is to replace two non-original timber top-hung casement windows at first floor level with white uPVC side-hung casement windows with glazing bars.

### Supporting Documents

- 4.2 Drawing of Replacement Windows; Existing Rear Elevation Photograph; Site Location Plan; Heritage Statement & Design and Access Statement.

## **5.0 Consultation**

- 5.1 This section outlines the consultation carried out by 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.

- 5.2 A site notice was displayed and letters were sent to residents in the surrounding area. The relevant ward councillors and the Brockley Society were also consulted.

- 5.3 The consultation resulted in a letter of objection from the Brockley Society. The objection concerned the wide frames of the windows and the 'tilt and turn' opening style. The Brockley Society argued that the windows would not be in keeping with the design of the original windows and suggested slim framed uPVC sash windows should be installed in their place.

## **6.0 Policy Context**

### Introduction

- 6.1 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)

- 6.2 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

- 6.3 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)'.
- 6.4 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

- 6.5 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)

- 6.6 The policies relevant to this application are:

Policy 7.4 Local character  
Policy 7.8 Heritage assets and archaeology

#### Core Strategy

- 6.7 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 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

#### Development Management Local Plan

6.8 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 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:

6.9 The following policies are considered to be relevant to this application:

- |      |              |  |
|------|--------------|--|
| 6.10 | 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)

6.11 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.

**7.0 Planning Considerations**

7.1 The main issues to be considered in respect of this application are:

- a) Design
- b) Impact on Adjoining Properties

Design

7.2 The proposed replacement windows are located on the rear elevation of the property at first floor level. The rear elevation is entirely concealed from view from public areas of the conservation area by properties on Harefield Road. Officers are satisfied that the installation of the casement windows would not be detrimental to the character and appearance of the Brockley Conservation Area in accordance with DM Policy 36, given that the windows being replaced are casement and as such are not an original feature of the property.

Impact on Adjoining Properties

7.3 The proposed windows would maintain the existing openings and would be a similar glazing type. Officers are of the view that the proposed windows would not present any additional impact on neighbouring amenity. The proposal is therefore in accordance with DM Policy 31.

## **8.0 Equalities Considerations**

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 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/>
- 8.5 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
- 8.6 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/>

8.7 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.

## **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 proposal to be in line with the stated policies and is therefore considered acceptable.

## **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:

Drawing of Replacement Windows; Existing Rear Elevation Photograph; Site Location Plan.

**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.

### **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, positive discussions took place which resulted in further information being submitted.