

Committee	PLANNING COMMITTEE	
Report Title	FLAT 5, 101 MANOR AVENUE, LONDON SE4 1TD	
Ward	BROCKLEY	
Contributors	JOSHUA OGUNLEYE	
Class	PART 1	06 JULY 2017

Reg. Nos. DC/16/98755

Application dated 19.10.2016

Applicant Mr Beric

Proposal The construction of a replacement dormer and the installation of conservation style roof lights to the side roofslope at Flat 5, 101 Manor Avenue, SE4.

Applicant's Plan Nos. PA-A-1001, PA-A-1002; PA-A-1003; PA-A-1004; PA-A-1005; PA-A-1006; Design and access statement; Heritage statement

Background Papers

- (1) Case File LE/801/112/TP
- (2) Development Management Local Plan (November 2014)
- (3) London Plan (March 2015)

Designation Brockley Conservation Area

Screening N/A

1.0 Property/Site Description

- 1.1 The site is a four storey semi-detached Victorian house that has been converted into five self-contained flats. It is located on the southeast side of Manor Avenue at its junction with Geoffrey Road. Flat 5 is the top floor flat and is accessed by a communal entrance door at the front of the property.
- 1.2 The property lies within the Brockley Conservation Area and is covered by an Article 4 Direction.

2.0 Relevant Planning History

- 2.1 **DC/12/79275** The installation of two roof lights in the rear roof slope and one roof light in the front roof slope of Flat 5, 101 Manor Avenue SE4 **Granted. Not implemented.**
- 2.2 **PRE/16/002552:** The enlargement of an existing rear dormer and the installation of conservation-style rooflights in the front roof slope.

3.0 Current Planning Application

- 3.1 The construction of a replacement dormer on the rear roofslope of Flat 5, 101 Manor Avenue, SE4 and the installation of conservation style roof lights to the side roofslope

- 3.2 The proposal seeks to enlarge an existing dormer on the rear roof slope to measure 4.85m (w) x 2.8m(d) x 2.1m(h). The proposed dormer would incorporate two rooflights on its flat roof, each measuring 1m (h) x 1(w).
- 3.3 The proposed dormer would incorporate two timber sash windows each measuring 1.6m (w) x 1.6m (h) and set 1m apart.
- 3.4 The two new conservation styled rooflight would be installed flush into the side roof slope. The proposal initially included two rooflights to the front roofslope, but these have been deleted from the scheme.

4.0 Consultation

- 4.1 Statutory consultees were notified of the proposed development.
- 4.2 21 Local neighbours – Submitted no comment
- 4.3 Brockley Ward Councillors – Submitted no comment
- 4.4 Brockley Society - The proposed enlarged rear dormer is acceptable. It is considered that the chamfered reveals and facings should be more in keeping with the style of its neighbouring dormer at 103 Manor Avenue in view of its visible position from Geoffrey Road (ie as required by the extant Article 4(2) Direction of 25 January 2006).
- 4.5 The Brockley Society initially objected to the front rooflights. When these were deleted from the scheme, The Society made a new objection, this time to the side rooflights.
- 4.6 Following on from the conservation officer's comment, the case officer considered a setting down from the ridgeline would result in the development appearing inconcrous within the rear roof slope and negatively affect the development's appearance when viewed alongside neighbouring property.

5.0 Policy Context

5.1 Introduction

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.

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, Development Plan Document (DPD) (adopted in June 2011), the Development Management Local Plan (adopted November 2014) and policies in the London Plan (March 2015). The NPPF does not change the legal status of the development plan.

5.2 National Planning Policy Framework

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)’.

5.3 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.

5.4 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.

5.5 The London Plan (March 2016)

On 10 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

5.6 Core Strategy

The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and 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

5.7 Development Management Local Plan

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:

The following policies are considered relevant to this application:

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.

5.8 Residential Standards Supplementary Planning Document (Updated 2012)

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.

5.9 Paragraph 6.3 (Materials) states that bricks and roofing material used to construct an extension should match those in the original building. However, the use of modern materials is supported where appropriate.

- 5.10 Paragraph 6.7 (Roof extensions) states that when considering applications for roof extensions the Council will look at these main issues:
- All roof alterations should be successfully integrated with and preserve the architectural character of the building, and be subordinate to the principal elevations.
 - Planning permission is always required for roof additions in Conservation Areas.
 - The type and style of windows used should be similar to those used in the main elevations and reflect their alignment.
 - The relevant planning considerations for the proposal are the impact on the character and appearance of the roofscape in terms of scale, design, and size of the proposed rooflights and dormer and the impact this would have on character of the conservation area together with the impact on neighbour amenities.

- 5.11 Brockley Conservation Area Character Appraisal Planning Document (August 2006) Rooflights add visual clutter to plain roofslopes, which were not historically pierced with openings. They introduce unsympathetic modern materials such as coated aluminium and double-glazing into traditional settings. The design of rooflights is often unsympathetic as they stand proud of the roofslope and have wide, bulky frames. When open their appearance is even more intrusive. Of houses in the conservation area, 9% have one or more rooflights on their front roofslopes. Hilly Fields Crescent and Crescent Way have the highest percentages (32% and 33%) and in Geoffrey Road, Cranfield Road and Montague Avenue, between 19–23% of houses have rooflights

6.0 Planning Considerations

- 6.1 The relevant planning considerations for the proposal are the impact on the character appearance of the host property and the conservation area in terms of scale, design, and size of the proposed rooflights and dormer. Furthermore, consideration would be given to the impact this would have on neighbouring amenities.
- 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.

Impact on character and appearance of the conservation area

- 6.3 Rear Dormer: The application property currently has a dormer with a width of 1.5m installed on its rear roofslope. The existing dormer is visible from Geoffrey Road; however, the view of the current dormer is largely obscured by tall trees situated on its boundary wall. The dormer is relatively small in relation to other dormers on the rear roofslope of other properties on the terrace that are visible from Geoffrey Road.
- 6.4 The proposed rear dormer would have an acceptable size and scale in relation to the host property's roof structure and as such would not harm the host property's character of the host property or the neighbouring roofscape. The proposed dormer would be larger than existing as such would become more visually prominent on the rear roofslope. Officer consider the proposed dormer's additional volume would not compromise the host property's roof form. The proposed dormer's contemporary design would be complementary to the host property in line with DM Policy 30 (urban design and local character).
- 6.5 The proposed dormer would be visible from the public realm (Geoffrey Road) and appear alongside an existing dormer at No.103 Manor Avenue. The dormer's design, alignment

and material would be similar to in massing and proportions to that constructed at No.103. Both developments would be viewed as a pair when seen from the public realm in Geoffrey Road. In this context, the dormer would contribute to establishing a positive symmetry when viewed across the conservation area's roofscape as such would comply with DM Policy 36.

6.6 The proposed rear dormer would be constructed with graphite grey zinc cladding and incorporate concealed guttering, together with timber sash windows. It would appear as a contemporary addition to the host building due to its use of high quality materials that would be sympathetic to the character and appearance of the host property. To ensure high quality, details of the materials would be secured by condition.

6.7 Rooflights: The conservation styled rooflights proposed for the side roofslope would be black, with a flush profile and made of aluminium, a material considered acceptable within the context of the conservation area. Given the position of the rooflights on the side roofslope, the impact on the character and appearance of the conservation area would be negligible.

Residential Amenity

6.8 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must therefore be demonstrated that proposed alterations are neighbourly and

6.9 The proposed rear dormer and rooflights would not enable any greater overlooking to neighbouring properties than currently exists and there would be no prospect of any loss of light to neighbours. In light of this, the proposed development is considered to be acceptable with regards to neighbouring amenity.

Equalities Considerations

6.10 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.

6.11 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.

6.12 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.

6.13 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/>

- 6.14 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
- 6.15 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/>
- 6.16 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.
- 7.0 Conclusion**
- 7.1 The application's proposal have been considered 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).
- 7.2 The proposed development is considered to be acceptable with regards to its design and and would not cause harm to the character and appearance of the conservation area or the to neighbouring 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:

PA-A-1001; PA-A-1002; PA-A-1003; PA-A-1004; PA-A-1005; PA-A-1006; Design and access statement; 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 development shall commence on site until a detailed schedule and specification of all external materials and finishes and roof coverings to be used on the dormer have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 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, DM Policy 31 Alterations/extensions to existing buildings, and 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.

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 a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.