

Committee	PLANNING COMMITTEE A	
Report Title	58 PEPYS ROAD, LONDON SE14	
Ward	TELEGRAPH HILL	
Contributors	JOSHUA OGUNLEYE	
Class	PART 1	03 August 2017

<u>Reg. Nos.</u>	DC/16/098786
<u>Application dated</u>	18.10.2016
<u>Applicant</u>	Hasim Riza
<u>Proposal</u>	The construction of a single storey extension on the rear elevation of 58 Pepys Road SE14
<u>Applicant's Plan Nos.</u>	Site Location Plan; Site Block Plan; Heritage Statement; Design and Access Statement (Received 18 October 2016) 02 Rev A (Received 14 February 2017)
<u>Background Papers</u>	(1) DE/48/58/TP (2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)
<u>Designation</u>	PTAL 6a Telegraph Hill Article 4(2) Direction Telegraph Hill Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application relates to a semi-detached Victorian property situated on the west side of Pepys Road at the south junction with Sherwin Road. The property has two storeys and a basement floor, is built of yellow stock brick and has sash timber windows. The property is comprised of multiple self-contained flats. This application is concerned with the lower ground floor flat. The property has a front sloping pitched roof and canted bay window on the left side of its fenestration. The lower ground floor flat has uPVC windows and French doors to its rear and artificial slate tiles on the roof of an outbuilding in the rear garden area. The property's rear elevation is visible to the public realm from Sherwin Road exposing rear elevation bay windows, the top of ground floor French doors and timber sash windows.
- 1.2 The host property shares similar architectural details with other properties on the street mostly comprised of properties of the same appearance and age, giving a consistent symmetry to the area.
- 1.3 The property is in the Telegraph Hill Conservation Area, and is subject to an Article 4(2) direction. It is not within the vicinity of a listed building.

2.0 Relevant Planning History

- 2.1 **DC/04/57201** Certificate of Lawfulness in respect of the use of 58 Pepys Road SE14 as five self-contained flats. **Approved**
- 2.2 **DC/07/67799/X** The current application is for the demolition of the existing garage in the rear garden at 58 Pepys Road SE14 and the construction of a two storey, two-bedroom dwelling house with an off-street parking space onto Sherwin Road. **Refused due to its impact on the garden space in a conservation area.**
- 2.3 **DC/14/88103:** The demolition of the existing garage to the rear of 58 Pepys Road SE14 and the construction of a single storey building to provide a garden studio. **Refused considered to be an unduly dominant feature to the views of adjoining property.**
- 2.4 **DC/16/096350:** The construction of a single storey extension on the rear elevation of 58 Pepys Road SE14. Refused due to its unacceptable siting, scale, and visibility from the public realm. The proposed single storey ground floor rear extension would project 2.5m from the rear wall on the north elevation and 3m from the rear south elevation. The proposed extension would have a monopitch roof with a height of 3.75m and a eaves height of 2.7m. **The applicant subsequently appealed this decision. The Appeal was dismissed.**

3.0 Current Planning Application

- 3.1 The construction of a single storey extension on the rear elevation of 58 Pepys Road SE14.
- 3.2 As the rear elevation is stepped, the proposed single storey ground floor rear extension would project between 2.5m and 3m from the rear elevation. The extension would have a depth of 3m on its boundary with No60 and 2.5m on its boundary with Sherwin Road. The proposed extension would have a flat roof with a height of 2.42m from the existing ground level and 2.92 from the proposed ground level.
- 3.3 The proposed extension would be constructed in matching stock bricks and incorporate a double glazed window and uPVC rear door. The roof material is not stated. The existing side gate from Sherwin Road would be infilled. It is not stated what material would be used.
- 3.4 The development would excavate part of the rear garden to a depth of 0.5m
- 3.5 Three Velux rooflights would be installed into the proposed extension's roof each measuring 1.6m x 1.6m and having a profile in line with that of the flat roof.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the 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.
- 4.2 Site notices were displayed, the application was advertised in the local newspaper, and letters were sent to residents in the surrounding area and the relevant ward Councillors. The Culverley Green Residents Association, and The Councils Conservation Officer were also consulted.

Written Responses received from Local Residents

4.3 An objection was received from one local resident citing the following issues which are relevant to the assessment of the planning application:
1] The proposed development conflicts with the Victorian style of the back of houses already in existence in the area.

2) The proposal would create a precedent for the alterations and creation of similar structures in other rear gardens.

4.4 **An objection was also received from The Telegraph Hill Society, summarised below:**

Even if the proposed extension cannot, and will never, be seen from the public realm we are concerned by the number of proposals coming forward regarding the addition of poor quality modern extensions. The Telegraph Hill Conservation Area Character appraisal makes particular reference to the rear of properties in the Conservation Area being as uniform as the front and, although inappropriate development has, in part, eroded this feature, the increase in applications for such rear extensions is of increasing concern.

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 2015 (amended 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 6.2 (Rear extensions) states that when considering applications for extensions the Council will look at these main issues:

- How the extension relates to the house;
- The effect on the character of the area - the street scene and the wider area;
- The physical impact on the host building, and the amenity of occupiers of neighbouring properties;
- A suitably sized garden should be maintained.

5.10 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.

5.11 Telegraph Hill Conservation Area character Appraisal and Supplementary Planning Document (March 2008)

Rear gardens are long especially those in Waller, Erlanger and Pepys Road – a reflection of the high status of the dwellings. Unusually there are no ‘back lanes’ or service roads to provide access to the rear of properties. This has prevented the building of rear garages and other modern accretions that sometimes mar the character of similar developments. The large areas of open space created by rows of back-to-back rear gardens add to the local distinctiveness of the area. There are good views of the backs of houses, as uniform in design as the fronts, and across green back gardens from where the east-west side roads (e.g. Arbuthnot, Ommaney and Sherwin Roads) cut between the primary north-south roads.

6.0 Planning Considerations

6.1 The relevant planning considerations for the proposal are the impact on the character and appearance of the host building and rear garden area in terms of scale and design of the proposed rear extension and the impact this would have on the character and appearance of the conservation area together with the impact on neighbouring amenities.

Design and Conservation

6.2 The refusal of the previous scheme identified that the proposed extension by virtue of its, scale, design and visibility from the public realm, would constitute an incongruous form of development contrary to DM Policy 30 and 36. This view was also shared by the inspector who explained that, *‘in this corner location, the proposed single storey rear extension would be visible to public view from Sherwin Road, with a maximum height of around 1.2m above the garden wall. The extension’s siting, design and scale would disrupt the rear garden’s symmetry and appear at odds with its prevailing form. Thus detracting from its distinctive form and its contribution to the architectural interest of the CA.’*

6.3 The proposed single storey rear extension in this scheme would be proportionally subservient to the host property and neighbouring properties by virtue of its design and scale within the context of its rear garden area. The proposed extension would have a reduced scale, achieved through 500mm ground excavation, which would bring the highest part of the proposed extension 100mm lower than the existing boundary wall on Sherwin Road. In addition to this, the proposed extension would be set in from the boundary wall with No60 by 500mm, preventing it from overwhelming the host property’s character.

6.4 Officers consider the development’s form would have a limited and acceptable impact on the character and appearance of the conservation area. The present application would appear as a compact development what would not adversely unsettle the character of the Conservation Area.

6.5 The proposed rear extension would be constructed with yellow London stock bricks matching those of the host property, uPVC frames, and three conservation style rooflights. These materials would match the appearance of materials already used on the property and would not be visible from the public realm. Details of the roof covering and treatment of the infilled side gate have not been submitted, however this can be controlled by condition to ensure compatibility with the existing dwelling and boundary wall.

6.2 In conclusion, officers consider that the proposed extension would be compatible with the host dwelling and would preserve the character and appearance of the Conservation Area.

Residential Amenity

- 6.6 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 that significant harm will not arise with respect to overbearing impact, overshadowing, and loss of light, loss of outlook or general noise and disturbance.
- 6.7 The proposed extension would have a height of 2.42m (from existing ground level), would be set back 500mm from the boundary wall with No60 and would have a depth of 3m on this boundary. Given these dimensions, it is not considered that the proposed extension would impact negatively on neighbouring properties in terms of either sense of enclosure or an overbearing impact.
- 6.8 Given the residential use of the extension, officers consider the proposed rooflights would not result in unacceptable levels of light spill into neighbouring properties.
- 6.9 The proposed rooflights would not permit direct overlooking onto neighbouring properties and as such there is no concern in terms of loss of privacy.
- 6.10 In light of the above, the proposed development is considered to be acceptable with regards to neighbouring amenity.

Equalities Considerations

- 6.11 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.
- 6.12 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.
- 6.13 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.
- 6.14 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/>

- 6.15 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
- 6.16 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/>
- 6.17 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 would not cause harm to the character and appearance of the conservation area or neighbouring amenity.

8.0 RECOMMENDATION: GRANT PLANNING 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:

Site Location Plan; Site Block Plan (Received 18 October 2016)

02 Rev A (Received 14 February 2017)

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 and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting.

- 4 Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed 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, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

5. No development shall commence above ground level on site until full details of the proposed roof covering to be used on the extension as well as reclaimed bricks for the infilling of the boundary wall 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 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 and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting.

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.
- B You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.