

Committee	PLANNING COMMITTEE B	
Report Title	150 Jerningham Road, London, SE14 5NL	
Ward	Telegraph Hill	
Contributors	Joe Higgins	
Class	PART 1	21 December 2017

<u>Reg. Nos.</u>	DC/17/103282
<u>Application dated</u>	24/08/2017 revised 29/11/2017
<u>Applicant</u>	Mr Mitchell Turner of Keegans
<u>Proposal</u>	Replacement of windows and doors in timber on the front elevation and in uPVC on the rear and side elevations at 150 Jerningham Road SE13.
<u>Applicant's Plan Nos.</u>	GA/070 Rev K; Site location plan; Design and access statement; Heritage statement received 31/08/2017; PD110; PD112; PD113; GA/700 Rev A received 09/10/2017; 0195.25a REV E; 0195.25b REV E; 0195.25c REV E received 24/10/2017; Horn detail style C received 07/11/2017; 0195.25d REV G received 08/11/2017; GA\646 received 17/11/2017; Sliding sash spiral balance window received 30/11/2017.
<u>Background Papers</u>	(1) Case File DE/57/150/TW (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Existing C3 (Residential) Use

## **1.0 Property/Site Description**

- 1.1 The application relates to a two storey plus basement semi-detached house on the northern side of Jerningham Road; the property has been converted into flats. The building is Victorian in appearance with timber sliding sash windows and timber doors with glazing. The surrounding area consists of terraced houses, similar in appearance to the application property with timber sash windows and timber doors.
- 1.2 The property is located within the Telegraph Hill Conservation Area. There is an Article 4(2) Direction in force across the conservation area. The property is not a listed building nor is it located near a listed building.

## **2.0 Planning History**

- 2.1 No relevant planning history.

### **3.0 Current Planning Applications**

#### **The Proposals**

- 3.1 The application is for the replacement of the existing timber windows and doors on the front, side and rear elevations. The front elevation windows and doors would be replaced as timber sash windows and timber doors to match existing. On the rear and side elevations, windows would be replaced as uPVC sash and casements to match existing opening styles, and the doors would be replaced in uPVC.
- 3.2 Initially the proposed glazing patterns did not match the existing windows, however following negotiations with the applicant; the proposal has been amended to match the glazing patterns of the existing windows.
- 3.3 The sash window horns on the front elevation windows will be replaced in a style that has a different horn profile which is less rounded than those of the existing windows. Officers queried whether a style more similar to the existing horns could be achieved, however the applicant stated that the current proposed style is the closest they can match to the existing horns.
- 3.4 Initially the timber front entrance door was to be replaced in a style that was significantly different to the existing door. The lower half of the existing door features a single square timber panel, while the proposed doors featured double timber panels. Officers successfully negotiated with the applicant to amend the door style to feature a single square timber panel in the lower half of the door.

### **4.0 Consultation**

- 4.1 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.
- 4.2 A site notice was displayed and letters were sent to properties in the surrounding area, as well as the amenity society, The Telegraph Hill Society.
- 4.3 The consultation resulted in two letters of objection from the Telegraph Hill Society.
- 4.4 The Telegraph Hill Society objected to the glazing patterns and sash horns of the proposed front elevation windows, which they felt did not match the existing windows on no 150, nor other properties on Jerningham Road. The glazing patterns of the front windows have since been amended to match the existing windows, with revised drawings sent to The Telegraph Hill Society.
- 4.5 The objections to the proposed sash horn style, relate specifically to the horn profile, which is less rounded than the horn profile on the existing sash horns.
- 4.6 The Telegraph Hill Society also objected to the style of the proposed timber front door because it did not match the existing door, nor other properties on the road. The door style has been amended to be a closer match to the existing door, and

amended drawings were sent to the Telegraph Hill Society for review, however no further comments from The Telegraph Hill Society were received.

## **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 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

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 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)'.

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 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 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

- 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 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:

- 5.9 The following policies are considered to be relevant to this application:

- 5.10 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.

- 5.11 Telegraph Hill Conservation Area Character Appraisal (2008)

The Telegraph Hill Conservation Area has a hillside location on the slopes of Telegraph Hill. The conservation area encloses a well preserved planned development of late 19th century terraces and pairs of houses. The heritage features of these houses include vertical sliding sash timber windows, robust part-glazed front doors, two-storey canted bays, recessed front

doors, pitched slate roofs and decorative brickwork. Jerningham Road features a wide tree lined carriageway and many of the heritage features of the conservation area are well preserved in the road's terraced houses.

#### Residential Standards Supplementary Planning Document (Updated May 2012)

- 5.12 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.

### **6.0 Planning Considerations**

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

- a) Design and impact on this part of the Telegraph Hill Conservation Area
- b) Impact on Adjoining Properties

#### Design

- 6.2 Paragraph 17 of the NPPF details within its core planning principles that new development should seek to enhance and improve the health and wellbeing of the places in which people live their lives.
- 6.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that (in summary) with respect to any buildings or other land in a conservation area, the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Paragraph 17 (Core planning principles) of the NPPF states that (in summary) heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 6.4 Part 12 of the NPPF ("Part 12") contains detailed guidance on conserving and enhancing the historic environment. The principles and policies set out in Part 12 apply to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-taking. Consequently as the application site is situated in the Telegraph Hill Conservation Area, the contents of Part 12 have to be considered by the Council in determining this application.
- 6.5 Paragraph 131 of Part 12 states that "In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness".

- 6.6 Paragraph 132 of Part 12 states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification". Paragraph 133 of Part 12 states that (in part) "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent....".
- 6.7 Officers consider that the current proposal would not lead to substantial harm to the Telegraph Hill Conservation Area.
- 6.8 Paragraph 134 of Part 12 states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".
- 6.9 Paragraph 135 of Part 12 states that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.10 The property is located in a prominent position on Jerningham Road, and it is noted that the existing sash windows (and their horns) and timber doors on the front elevation make a positive contribution to the character of the road and conservation area.
- 6.11 It is regrettable that timber windows and doors will not be maintained on the rear and side elevations, however these elevations are not visible from the public realm and therefore their replacement in uPVC will have limited impact on the conservation area, in accordance with DM Policy 36. Furthermore, the proposed rear and side windows and doors will match the existing windows in terms of opening style, and will therefore not cause unacceptable harm to the host building, further limiting any impact on the conservation area; in accordance with DM Policy 30.
- 6.12 The proposed timber sash windows on the front elevation will match the existing windows in terms of material and design at 150 Jerningham Road. The style of the proposed sash horns would be different to the existing windows; more specifically the profile, which would be less rounded than the existing horns. The proposed horn dimensions are length: 60mm and width: 50mm, which is approximately the same as the existing horns.
- 6.13 While it is regrettable that the proposed sash horns will not exactly match the existing horns, Officers consider the difference in design to be minor and not easily perceptible within the streetscene because the front elevation of No. 150 is set back approximately 7m from Jerningham Road with a low fence along the front

boundary. Officers are therefore satisfied that the proposed windows are sympathetic to the host building and also pass the test under DM Policy 36 to preserve the character of the conservation area.

- 6.14 The proposed timber doors on the front elevation will match the existing doors in terms of material and design. Officers note that there is a consistent style of timber front door on Jerningham Road. It is considered that the design of the proposed front door sufficiently replicates the features of the existing door, to preserve the character of the host property and conservation area; in accordance with DM Policy 30 and DM Policy 36.
- 6.15 It is noted that the proposal does not replicate exactly some minor detailing of the existing front elevation windows and doors, however, nor would it be reasonable to mandate so under the current development management policies. In light of the above, no objections are raised by the Conservation Officer, and Officers consider that the proposal will not cause harm to the host building character and appearance of the Telegraph Hill Conservation Area. The proposal is therefore acceptable under DM Policy 30 and DM Policy 36.

#### Impact on Adjoining Properties

- 6.16 There are no amenity considerations for this proposal as the existing opening sizes and glazing types will be maintained. Condition 3 has been added to ensure that obscured glazing is maintained on one window on the side elevation, to maintain privacy for neighbours and the occupiers of no 150.

### **7.0 Equalities Considerations**

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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/>

7.5 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

7.6 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/>

7.7 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.

## **8.0 Prevention of Crime and Disorder**

8.1 S.17 of the Crime and Disorder Act 1998 provides that it shall be the duty of the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and need to do all that it reasonably can to prevent (in summary) crime and disorder in its area. It is not considered that this application will result in any crime and disorder issues.

## **9.0 Human Rights Act**

9.1 Under the Human Rights Act 1998, the Council must not act in any way which is incompatible with the rights referred to in the Act. Officers do not consider there to be any Human Rights Act implications arising.

## **10.0 Conclusion**

10.1 This application has been considered in the light of policies set out in the development plan and other material considerations.

10.2 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:

GA/070 Rev K; Site location plan received 31/08/2017. PD110; PD112; PD113; GA/700 Rev A received 09/10/2017. 0195.25a REV E; 0195.25b REV E; 0195.25c REV E received 24/10/2017. Horn detail style C received 07/11/2017. 0195.25d REV G received 08/11/2017. GA\646 received 17/11/2017. Sliding sash spiral balance window received 30/11/2017.

**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 The replacement window labelled W6B on the ground floor side elevation, as illustrated on drawings 0195.25d Rev G and 0195.25b Rev E, hereby approved shall be fitted as obscured glazed and retained in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

## 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.