

Committee	PLANNING COMMITTEE B	
Report Title	79 Pepys Road, SE14	
Ward	Telegraph Hill	
Contributors	Monique Wallace	
Class	PART 1	21 December 2017

<u>Reg. Nos.</u>	DC/16/97741
<u>Application dated</u>	01.08.2016 as revised on 17.10.2017
<u>Applicant</u>	Mr Paul Bottomley of Town Planning Bureau on behalf of Mr. Savio
<u>Proposal</u>	The change of use and conversion of 79 Pepys Road, SE14 from a House of Multiple Occupation (use class sui-generis) comprising 9 rooms into 1 x 3 bed, 1 x 1 bed and 1 x 2 bed self-contained flats (use class C3), together with the construction of a single storey extension to the rear.
<u>Applicant's Plan Nos.</u>	E.101, E.102, E.103, E.104, Site Location Plan, Block Plan, Planning, Design and Access Statement, Heritage, Planning, Design and Access Statement, Sustainability Statement received 2/8/16; P.101 Rev B; P.102 Rev B; P.111 Rev B; P.112 Rev B received 17/10/17; HMO Licence letter dated 31 January 2007; copy of licence register, received 29/11/17.
<u>Background Papers</u>	(1) DE/48/79/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Area of Stability and Managed Change Telegraph Hill Conservation Area

1.0 Property/Site Description

- 1.1 The subject site is located on the eastern side of Pepys Road, approximately 60 metres south of the intersection of Ommaney Road and Pepys Road.
- 1.2 The property contains a two storey plus basement level/lower ground floor, semi-detached dwelling which is currently in use as a House of Multiple Occupation (HMO).
- 1.3 The property is located within the Telegraph Hill Conservation Area but is not a Listed Building, nor is it within the setting of any Listed Buildings.

2.0 Planning History

- 2.1 The site is currently in use as a House of Multiple Occupation which has been evidenced by the case officer's site visit on 11 October 2017 and a letter from the Council's HMO Licencing team registering the property as a 9 person HMO on 31 January 2007. On this basis, officers are satisfied that the site has been used as a HMO continuously for 10 years and consider that the use as a HMO would be immune from planning enforcement action.
- 2.2 Permission was refused under reference DC/05/60453, on 29 December 2005 for the conversion of the 3 storey semi-detached house into 4 self-contained flats. The four flats were to be made up of a studio unit, 1 one bedroom and 2 two bedroom self-contained flats. The appeal was dismissed on 29 June 2006. The Inspector's decision is summarised below.
- 2.3 Paragraph 1: The inspector considered the main planning considerations to be the dwelling mix, standard of accommodation and the impact upon the Telegraph Hill Conservation area.
- 2.4 Paragraph 2: The proposal did not provide a 3 bed family unit and therefore was contrary to UDP (expired and replaced by the Core Strategy and Development Management Local Plan) policy HSG 9 Conversion of Residential property which necessitated the provision of a family-sized unit in conversions.
- 2.5 Paragraph 7: The proposed studio unit would provide accommodation for smaller households and therefore would be in accordance with HSG 9 Conversion of Residential property.
- 2.6 Paragraph 9: The proposed alterations to the front staircase would neither preserve nor enhance the Telegraph Conservation Area.
- 2.7 The Inspector concluded (paragraph 10) that whilst the standards of accommodation for future occupiers would have been acceptable, the dwelling mix and the proposed alterations to the building (steps to the front) would be contrary to policies and would neither preserve, nor enhance the appearance of the Telegraph Hill Conservation Area.

3.0 Current Planning Application

The Proposals

- 3.1 This planning application has been revised since submission and now proposes the alteration and conversion of 79 Pepys Road to provide one 3 bed, 4 person family sized flat, one 1 bed, 2 person flat and one 2 bed, 3 person flat. Previously one studio, 1 person flat, one 1 bed, 2 person flat and one 2 bed, 3 person flat were proposed.
- 3.2 The lower ground floor unit would be accessed via an existing door at lower ground floor level, whilst the upper floor flats would share the existing/original main entrance. Both entrances would be accessed directly from Pepys Road.
- 3.3 The proposals also referred to the replacement of the roof with slate tiles. The existing roof already benefits from a slate roof, and the agent advised in his email

received 30 November 2017 that the replacement of the roof covering is no longer proposed.

- 3.4 The proposal would not involve any changes to the front elevation, but a single storey extension to the rear is proposed in order to create more space for the family sized unit at lower ground floor level.
- 3.5 The rear extension would project 2.1m from the rear elevation, and have a width almost the same as the original two storey projection at 3.8m. It would have a flat roof at 3m in height. The materials are proposed to match those of the existing, namely brick.
- 3.6 The proposed conversion would result in a unit on each floor; the family unit would be located at lower ground floor level with direct and sole access to the rear garden, while the 1 bed would be located at ground floor, and the 2 bed at first floor.
- 3.7 Bin and cycle stores for all units would be located in the front garden, shielded from the street by landscaping.

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 and letters were sent to residents in the surrounding area and the relevant ward Councillors.
- 4.3 No letters of objections were received from neighbouring occupiers.

Telegraph Hill Society

- 4.4 Objections were raised to the proposals on the grounds of the principle of development. DM Policy 3 is cited as being applicable which prohibits the conversion of a single family dwelling house into self-contained flats.
- 4.5 Further objections were raised to principle setting a precedent for further HMO's in the Conservation Area and that similar applications have been refused by the Council.
- 4.6 Overdevelopment is also cited as a reason for objecting to the proposals, on the grounds that a family sized unit would not be provided in the scheme, and the development results in poor stacking of rooms.
- 4.7 The letter is concluded by suggesting that if permission is granted, the opportunity to replace unsympathetic boundary treatment, roof ornamentation and upvc windows should be a condition of the approval.
- 4.8 Following the submission of revised plans the Telegraph Hill Society responded further, with the following objections and comments;
 - 1. The change of use from HMO to flats should be considered contrary to DM3 and therefore not supported;

2. HMOs should be preferred to flats as they can more easily be converted back into single dwellings in the future;
3. Poor design quality of the proposed extension and insufficient information about the materials to be used and of the details provided they proposed an inappropriate choice of materials contrary to policy;
4. Object to the bicycle store in the front garden due to materials and siting;
5. Concern about how 'preserves and enhances' the conservation area has been applied in the assessment of this application

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 2016

- 5.6 The policies relevant to this application are:

Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.9 Mixed and balanced communities
Policy 3.14 Existing housing
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

London Plan Supplementary Planning Guidance (SPG)

- 5.7 The London Plan SPG's relevant to this application are:

Housing (2016)

Core Strategy

- 5.8 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:

Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 14 Sustainable movement and transport)
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

5.9 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:

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 2	Prevention of loss of existing housing
DM Policy 3	Conversion of a single dwelling to two or more dwellings
DM Policy 6	Houses in multiple occupation (HMO)
DM Policy 22	Sustainable design and construction
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 32	Housing design, layout and space standards
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 (2012)

5.11 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, accessibility and materials.

5.12 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.

5.13 Paragraph 6.3 (Materials) states that in much of the borough, the predominant materials used to construct the original buildings were brick (yellow stocks, with trimmings often in red brick), blue Welsh slates, painted joinery and stucco (smooth render painted finish). Bricks and roofing material used to construct an extension should match those used in the original building. Quality clay brick and

slate are the most acceptable building materials. The Council will also support the use of modern materials in appropriate circumstances.

- 5.14 Paragraph 6.4 (bulk and size) advises that extensions should be smaller and less bulky than the original building and reflect its form and shape. Traditionally, extensions to buildings are subsidiary to the main structure. Over-dominant extensions may destroy the architectural integrity of existing buildings and may be out of character with adjacent buildings.
- 5.15 Paragraph 7.1 (Building materials) states that to ensure the external appearance of development is of a satisfactory standard, a sample of external materials to be used (e.g. facing bricks, tiles, fencing materials etc.), will be required for approval before the development is started. These should normally be of a type, which matches or blends with the local materials. High quality, durable materials should be chosen and consideration given to their future maintenance, to ensure a long life span. Environmentally-friendly materials are preferred.

6.0 Planning Considerations

- 6.1 The relevant planning considerations are the principle of development, the impact of the proposal on the character and appearance of the existing building, the Telegraph Hill Conservation Area, the amenities of neighbouring occupiers and on highways as well as the proposed standard of accommodation.

Principle of development

- 6.2 Housing is a priority issue for all London boroughs and the Core Strategy welcomes the provision of additional housing.
- 6.3 Development Management Policy 3 refers to the conversion of single-family dwellings, but as this property is currently arranged and established as a 9 unit House of Multiple Occupation (HMO), the policy does not apply.
- 6.4 However Development Management Policy 6 Houses in multiple occupation (HMO) is directly applicable to the case and states that the Council will resist the loss of good quality HMOs. However, the supporting text to the policy at paragraph 2.40 states that HMOs are generally not suitable for Areas of Stability and Managed Change due to the increased stress on local infrastructure.
- 6.5 The application site is within an Area of Stability and Managed Change and holds the character of a more suburban typology. Whilst the site benefits from an excellent Public Transport Accessibility Level (PTAL 6a), where 0 is poor access to public transport, and 6b is best, the predominant character of the area is that of housing, surrounded by parks; the area does not benefit from the immediate access to amenities, such as shops, dry cleaning, gyms etc., as would be found in and immediately around town and district centres.
- 6.6 The HMO is of a relatively good quality in that communal and private spaces are clearly defined, fire escapes are clearly labelled and fire extinguishers are in place; the bathroom observed by officers was clean and functional (kitchen unseen).

- 6.7 However, in accordance with DM Policy 6, officers consider the loss of the HMO to be acceptable due to the site being in an Area of Stability of Managed Change and the lack of amenities in the immediate vicinity.
- 6.8 The issue of this application (if granted) of creating a precedent in respect of future / similar planning applications has been raised by the Telegraph Hill Society. However, the Council would have to consider such planning applications on their individual merits in accordance with the consistency principle.

Design and conservation

- 6.9 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. 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.
- 6.10 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.
- 6.11 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".
- 6.12 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....".

- 6.13 Officers consider that the current proposal would not lead to substantial harm to the Telegraph Hill Conservation Area.
- 6.14 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".
- 6.15 Officers consider that the current proposal would lead to less than substantial harm to the Telegraph Hill Conservation Area.
- 6.16 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.
- 6.17 London Plan Policy 7.4 (Local character) requires development to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Policy 7.6 (Architecture) seeks the highest quality materials and design appropriate to its context. It also advises that buildings and structures should be of the highest architectural quality and comprise details and materials that complement the local architectural character.
- 6.18 DM Policy 36 (New development, changes of use and alterations affecting designated heritage assets and their setting...) requires all planning applications for proposals affecting heritage assets to provide a statement setting out the impact to the significance of that asset and any harm or loss to that asset should be robustly justified. In particular, the policy continues to advise that planning permission would not be granted for developments or alterations and extensions to existing buildings that is deemed incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.19 Pepys Road is mentioned often in the Telegraph Hill Conservation Area Character Appraisal. The properties therein are exemplars of the grand architecture which is seen throughout the Telegraph Hill Conservation Area. In fact, photographs of 71 and 73 Pepys Road, which are only 3 doors away from the application site and are of a similar design, are shown in the Appraisal as good examples of the housing typology within Pepys Road.
- 6.20 In this instance, no external alterations are proposed to the front elevation of the application property. However, due to the prominent location of the front garden, details of the structures and alterations necessary in order to provide acceptable refuse and cycle storage will be secured by conditions.
- 6.21 The upper floor units would be accessed via steps up to a communal front door. The ground floor family sized unit would be accessed via the existing door at lower ground floor level. This door was formed from the alteration and extension of a front bay window, which has been in place since at least 2005, as evidenced by photographs taken by the case officer during the consideration of the application dismissed at appeal, referenced DC/05/060453. As the door to the

lower ground floor has been in place for more than 4 years, officers consider it established and immune from enforcement action.

- 6.22 In the 2005 appeal proposal, officers and the Inspector considered that alterations to the front garden to improve the access to the lower ground floor level would be unsympathetic to the appearance of the Conservation Area, and whilst the access is somewhat constrained, especially for a family sized unit, on balance, the requirement to preserve the appearance of the Conservation Area, outweighs the requirement to provide an improved access to the lower ground floor unit.
- 6.23 A single storey extension is proposed to the rear and would abut the boundary with 81 Pepys Road.
- 6.24 Again, Pepys Road is mentioned in the Telegraph Hill Conservation Area Character Appraisal as one of the roads which comprises properties with exceptionally deep rear gardens. Officers consider that the modest 2.5m depth, combined with the 3m height of the proposed extension, its flat roof and the intention to match the existing brickwork, would result in a modest, and inoffensive scale and design, appropriate for the application building and its setting.
- 6.25 Further, the entire garden would be accessed by and would be for the sole use of the basement 3 bed family unit, and therefore would not be segregated as often seen with conversions, thus maintaining the characteristic deep length.
- 6.26 Objections were raised by the Telegraph Hill Society regarding the replacement of the existing upvc windows with timber missing roof ornamentation restored and uncharacteristic front boundary wall replaced, for which the works should be secured by condition if planning permission were to be granted.
- 6.27 The application of planning conditions are governed by 6 tests set out in the National Planning Policy Framework (NPPF). Paragraph 203 of the NPPF states that conditions should be applied in order to render an otherwise unacceptable scheme, acceptable. To justify the imposition of a condition, it would have to be:
- necessary;
 - relevant to planning and;
 - to the development to be permitted;
 - enforceable;
 - precise and;
 - reasonable in all other respects.”
- 6.28 Whilst officers agree that it would be desirable to improve the roof, windows and front boundary wall, no part of the proposals render the improvement of the roof, windows or wall to be necessary in order to make the application acceptable. For this reason, officers do not consider it to be reasonable to request that the windows are changed, roof improved or the wall replaced in order to recommend that the conversion is granted planning permission. That said, the acceptability of the proposed rear extension is subject to the use of matching brickwork which is to be secured via a condition.

6.29 In light of the above, no objections are raised to the proposal on the grounds of design or conservation and officers consider that that the proposal preserves the character and appearance of the Telegraph Hill Conservation Area.

Housing

6.30 London Plan Policy 3.5 Quality and design of housing developments of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context. It also states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

a) Size of Residential Accommodation

	Overall	Policy	Bed 1	Policy	Bed 2	Policy	Bed 3	Policy
Lower Ground floor, 3 bed 4 person	86m ²	74m ²	17.5m ²	11.5m ²	10m ²	7.5m ²	8.2m ²	7.5m ²
Upper ground floor 2 2 bed, 3 p (2 storey)	65m ²	50m ²	18.2m ²	11.5m ²	N/A	N/A	N/A	N/A
First floor 2 bed, 3 person	63.5m ²	61m ²	14.7m ²	11.5m ²	8m ²	7.5m ²	N/A	N/A

b) Standard of Residential Accommodation

6.31 All three dwellings would have overall and room floor areas, floor to ceiling heights, storage and levels of outlook which accord with National Technical standards, London Plan and local policy. However, the upper floor units would not benefit from private amenity space as required by the London Plan Housing SPG (2016).

6.32 Given that the proposed units would be derived from the conversion of an existing building, officers are satisfied that the provision of private amenity space for all units would be impractical. Further, the units comfortably exceed the minimum floor areas and therefore the additional space goes some way to mitigate for the lack of private external space. Lastly, the application site is directly opposite public open space, which again helps to mitigate against the lack of private amenity space provision.

- 6.33 Without the single storey extension, the proposed lower ground floor family sized unit would not be policy compliant in terms of the proposed floor areas. It is therefore imperative that the extension is built, prior to the occupation of this unit. For the above reason, the full completion of the extension, so that it is fit for habitation, prior to occupation of the lower ground floor flat will be secured by condition.
- 6.34 In light of the above, officers are satisfied that the proposed standards of accommodation for future occupiers would be acceptable, subject to conditions.

Neighbour amenity

- 6.35 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.
- 6.36 The proposal involves the construction of a single storey extension to the rear which would abut the boundary with 81 Pepys Road. The extension would be 3m in height, but the impact of the height would be reduced by virtue of 81 Pepys being sited on land approximately 0.9m above the land levels of the application site. In addition, the relatively modest 2.1m in depth would further minimise any impact to neighbour amenity.
- 6.37 In addition to the above, glazed double doors are proposed in the rear elevation, of the lower ground 3 bed flat, facing into the rear garden area of 79 Pepys Road.
- 6.38 The extension would however have a flat roof, and any formation of a door to create a terrace on the flat roof of the extension in this location would result in significant overlooking to the lower ground floor flat at 81 Pepys Road. For this reason, officers consider it necessary to place a condition on the decision notice prohibiting the formation of access and/or the use of the flat roof of the rear extension for amenity purposes.
- 6.39 Officers raise no objections on the grounds of noise and disturbance from the change of use given that the same amount of occupiers are proposed, and the building would retain its domestic use.
- 6.40 Subject to conditions, officers consider that the impact to neighbour amenity would be acceptable.

Highways, cycling and refuse

- 6.41 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. It is also expected that new development will not give rise to the creation of conflicts between vehicular traffic and pedestrians.
- 6.42 London Plan Policy 6.9 (Cycling) as reinforced by the London Plan Housing SPG and Lewisham's Core Strategy Policy 14 (Sustainable movement and transport), requires that all residential development provide dedicated, integrated storage space for cycles at 1 per one bed unit, and 2 for all other dwellings. Policy 6.13 (Parking) seeks to ensure a balance is struck to prevent excessive car parking

provision that can undermine cycling, walking and public transport use and through the use of well-considered travel plans aim to reduce reliance on private means of transport. Table 6.2 Car parking standards in the London Plan states that all residential developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. Core Strategy Policy 14 states that the Council will take a restrained approach to parking provision.

- 6.43 The application property is in a location which benefits from a Public Transport Accessibility Level of 6a, which is best. The proposed development would result in an equal amount of occupiers to that currently existing; 9 person HMO versus 1 x 1 bed 2 person, 1 x 2 bed, 3 person and 1 x 3 bed, 4 person units (9 people).
- 6.44 Officers consider that the change in the dwelling mix would not give rise to any significant highways impacts, in terms of parking or servicing and deliveries given that the proposed tenure make up would probably result in less car users being on site and the excellent PTAL.
- 6.45 A refuse storage area, surrounded by a dwarf brick wall, is proposed at the front of the building at pavement level that could comfortably accommodate wheelie bins. However, the proposal could be improved by creating a low profile enclosure. This requirement can be secured by condition.
- 6.46 In terms of cycle storage, spaces are proposed to be provided for all units in the front garden which should be secured by condition to be provided, prior to occupation of the converted property.
- 6.47 Given the above, the application is considered by officers to be acceptable in terms of its impact on highways subject to the imposition of suitable conditions.

Prevention of crime and disorder

- 6.48 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 the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment).
- 6.49 Officers are of the view that the proposals would not have any crime and disorder implications.

Human Rights Act

- 6.50 Under the Human Rights Act 1998, the Council must not act in a way which is incompatible with the rights referred to in the Act. There is an exception to this, in that the Council will not be acting unlawfully if Acts of Parliament mean that it cannot act in any other way. The relevant human rights in this instance are considered to be:
- the right to respect for the home, under Article 8; and
 - the right to peaceful enjoyment of possessions, under Article 1 of Protocol 1.

- 6.51 However, these rights are not absolute, and may lawfully be infringed in certain defined circumstances. Where infringement is permissible, it must occur in accordance with, or subject to the conditions provided for by the law. It must also be proportionate; i.e., it must achieve a fair balance between competing interests and not go beyond what is strictly necessary to achieve the purpose involved.
- 6.52 In the case of Article 8, permitted infringements include those necessary for the protection of the rights and freedoms of others. With regard to Article 1 of Protocol 1, controls over the use of property are permissible where they are in the public interest. The right of a person to undertake changes to their properties, in reliance on permitted development rights, is covered by the exceptions to these two Articles.
- 6.53 Whilst the current application (in particular by the rear extension being proposed to be built so as to abut the boundary with 81 Pepys Road) officers do not consider the proposal will unduly affect the owner / occupiers of 81 Pepys Road. (It should also be noted that no objections have been received from the owner / occupiers of 81 Pepys Road). Consequently officers consider this application does not have any Human Rights Act implications

7.0 Local Finance Considerations

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), 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).
- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3 The Mayor of London's CIL is therefore a material consideration.
- 7.4 The above development is not CIL liable.

8.0 Equalities Considerations

- 8.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 8.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 8.4 Development management Policy 6 Houses in Multiple Occupation seeks to protect HMOs which are of a good standard and in a suitable location. As set out above, the application site is within an Area of Stability and Managed Change which are considered to be less suitable for such dwelling typologies.
- 8.5 Officers are satisfied that the borough, through larger scale developments in the district and town centres adequately provides for the smaller low cost housing typologies for which there is demand.
- 8.6 In light of this, officers do not consider that the proposed development in any way would be in breach of Section 149 of the Equalities Act 2010.

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 that the change of use from a House of Multiple Occupation for 9 occupiers to three self-contained flats would be in accordance with planning policies as listed within this report and is therefore considered acceptable.

10.0 RECOMMENDATION

10.1 GRANT PERMISSION subject to the following conditions:-

1. The construction of the single storey extension and the conversion into flats and associated works 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:

E.101, E.102, E.103, E.104, Site Location Plan, Block Plan, Planning, Design and Access Statement, Heritage, Planning, Design and Access Statement, Sustainability Statement received 2/8/16; P.101 Rev B; P.102 Rev B; P.111 Rev B; P.112 Rev B received 17/10/17; HMO Licence letter dated 31 January 2007; copy of licence register, received 29/11/17.

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 brickwork and 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 and to comply with Policy 15 High quality design for Lewisham and Policy 16 Conservation areas, heritage assets and the historic environment 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: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens.

4. (a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) Policy 30 Urban design and local character and 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 and Core Strategy Policy 13 Addressing Lewisham waste management requirements and Policy 16 Conservation areas, heritage assets and the historic environment (2011).

5. (a) A minimum of 3 secure and dry cycle parking spaces shall be provided within the development as indicated on drawing number P.101 Rev B.
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) Notwithstanding the approved drawings, the cycle store shall be of a low profile and low quality materials complementary to the character of the host building.
- (d) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

6. The single storey rear extension hereby approved shall be completed in full and fit for habitation, prior to the occupation of the lower ground floor flat.

Reason: To ensure that the unit provides the standards of accommodation required by DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

7. 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).

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. The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.

- C. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.