

Committee	PLANNING COMMITTEE C	
Report Title	7 Allenby Road, London, SE23.	
Ward	Perry Vale	
Contributors	John Grierson	
Class	PART 1	24 th January 2019

Reg. Nos. DC/18/108887

Application dated 11.09.2018

Applicant Red Squirrel Architects Ltd.

Proposal The demolition of the existing side extension and construction of two single storey side extensions, internal modifications and external works at 7 Allenby Road, SE23.

Applicant's Plan Nos 141_02_00; 141_02_01; 141_02_04;
141_02_05; 141_02_06; 141_02_07;
141_02_09; 141_02_10; 141_02_11 (Received 12th September 2018);
141_02_08 Rev P01; 141_02_12 (Received 5th November 2018);
141_02_02 Rev P01; 141_02_03 Rev P02 (Received 20th December 2018).

Background Papers (1) Case File LE/357/7/TP
(2) Local Development Framework Documents
(3) The London Plan
(4) The NPPF

Designation Perryfields Conservation Area
Perryfields Article 4 Direction
PTAL 1b/2

Screening N/A

1.0 Summary

- 1.1 This report sets out officer's recommendation in regard to the demolition of the existing side extension and construction of two single storey side extensions, internal modifications and external works at 7 Allenby Road, SE23.
- 1.2 The report has been brought before members as permission is recommended to be approved subject to conditions and there is one or more objection from a recognised residents' association or community/amenity group.

2.0 Property/Site Description

- 2.1 The application relates to a two storey semi-detached Victorian house on the Northern side of Allenby Road, SE23. The property is constructed of London Stock Brick, with timber sliding sash style windows and a slate roof. There is an existing single storey side conservatory, which measures 3.3m high, 2.1m wide and 3.2m deep. This is set back 4.7m from the front elevation of the property and 9.7m from the front boundary of the property. The property also has a shared rear outrigger with no.9 Allenby Road. The adjoining no.9 has an existing single storey side addition in the form of a mono-pitched garage. There is also a large white rendered concrete block garage located immediately adjacent to the site of the proposed side extensions that is highly visible from the street scene.
- 2.2 The property is within the Perryfields Conservation Area which was designated in 1975. It represents a good example of a late 19th century suburban residential development, the central core of which comprises a coherent group of Victorian villas. The application site is unique within the street scene as its location on the corner creates a break in the street line which is at odds with the uniform rhythm of the other semi-detached villas on Allenby Road.
- 2.3 The Conservation Area has been subject to an Article 4 Direction since 1980. In relevance to this application, the Article 4 Direction restricts alterations or improvements to the front and side elevations of no.7 Allenby Road unless these have been approved, and planning permission granted, by Lewisham Council. The conservation area also contains the Perry Vale Fire Station, built in 1902 by the London County Council in the Arts and Crafts style, and now Grade II listed. The application property is near this building, but is not in the immediate vicinity and the proposal would not be visible from the listed building.

3.0 Planning History

- 3.1 There is no relevant planning history available relating to the application property.
- 3.2 Regarding neighbouring properties, permission for the erection of a pre-fabricated concrete garage at the side of 5 Allenby Road was granted in July 1973, which predates the Conservation Area and subsequent Article 4 Direction. Permission was also granted for the erection of a replacement brick garage at the side of 9 Allenby Road, SE23 in June 1985 which is after both the conservation area and Article 4 Direction designations. Most recently, a brick garage with a pitched roof was constructed directly opposite the application site in the rear garden of no.3 Perry Rise as part of application DC/14/087999 which was granted on 4th November 2014.

4.0 Current Planning Applications

The Proposals

- 4.1 The applicant proposes the demolition of the existing side extension and construction of two single storey side extensions at 7 Allenby Road together with internal modifications and external works.
- 4.2 The side extensions would both be of similar design, incorporating a contemporary curved form. One side extension would adjoin the property at the rear side of the

main building and the other side extension would adjoin the building at the side of the rear outrigger.

- 4.3 The front side extension would have a minimum width of 2.15m and a maximum width of 2.85m, a depth of 4.0m and a maximum height of 3.3m. It would be set back 3.6m from the front elevation of the property and 8.7m from the front boundary treatment.
- 4.4 The rear side extension would have a minimum width of 2.27m and a maximum width of 3.0m, a depth of 5.0m and a maximum height of 3.3m. This extension would not be visible from the public realm.
- 4.5 The proposed materials for both extensions would be vertical Russian Redwood cladding stained black, corten metal screening and aluminium framed doors and glazing. The front elevation of the front side extension would be of reclaimed London Stock Brick to match the existing property.
- 4.6 The basement would be extended to the side by 2.0-2.5m, beneath the forward-most side extension on the floor above.

5.0 Consultation

- 5.1 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 met those required by the Council's adopted Statement of Community Involvement.
- 5.2 Public site notices and a press notice were displayed, and letters were sent to residents in the surrounding area, and the relevant ward Councillors.
- 5.3 During the statutory consultation period, the Council's Conservation Officers commented that they had no objections to the proposal.
- 5.4 During the same consultation period, the Council received:
 - One objection from a non-adjointing neighbour; and
 - An objection was also received by the Sydenham Society; there is no specific amenity society for the Perryfields Conservation Area.
- 5.5 Comments made from a material planning perspective revolved around topics of:
 - Design;
 - Scale; and
 - Impact on the Conservation Area.

These have been discussed in the planning considerations section of this report.

- 5.6 At the applicants own request, a set of revised plans were submitted to the LPA in anticipation of addressing the initial objectors comments, and officers restarted the consultation period. Notwithstanding this, those initial objections remained after the

second round of consultation, thus the application has been brought before a committee.

6.0 Policy Context

Introduction

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework (NPPF) 2018

- 6.3 The NPPF, originally published in 2012, was revised on 24th July 2018 and is a material consideration in the determination of planning and related applications.
- 6.4 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on its implementation. In summary, this states in paragraph 213, 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 and in regard to existing local policies, that '...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 6.5 Officers have reviewed the Core Strategy and Development Management Local Plan 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 paragraph 213 of the NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

- 6.6 On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in difference subject areas.

The Development Plan

- 6.7 The London Plan, Lewisham's Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan and together constitute the borough's Development Plan.

London Plan (March 2016)

- 6.8 The London Plan was updated on the 14 March 2016 to incorporate Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). The Mayor published proposed modifications to the Draft Plan in August 2018. The document is at an early stage in the process and has some limited weight as a material consideration when determining planning applications. The policies in the current adopted London Plan (2016) relevant to this application are:

- Policy 7.4 Local Character;
- Policy 7.6 Architecture;
- Policy 7.8: Heritage assets and archaeology;

Core Strategy (June 2011)

- 6.9 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 (November 2014)

- 6.10 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 to be relevant to this application:
- 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 32: Housing design, layout and space standards;
 - DM Policy 36: Listed Buildings, Conservation Areas and other designated heritage assets.

Residential Standards Supplementary Planning Document (2006, updated 2012)

- 6.11 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise

and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

6.12 There is no character appraisal document for the Perryfields Conservation Area.

7.0 Planning Considerations

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

- Principle of Development;
- Potential impact on Design and Conservation;
- Potential impact on neighbour amenities.

Principle of Development

7.2 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved immediately so long as they accord with the development plan.

7.3 The application property is in residential use and it is considered that its alteration and expansion for the purposes of continued residential occupation is acceptable in principle, subject to matters of design, conservation and impact on neighbouring amenity. These matters are considered further below.

Design and Conservation

7.4 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. Chapter 16 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.

7.5 Paragraph 185 of the NPPF (2018) states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

7.6 Policy 7.4 'Local Character' of the London Plan (2016) states that planning decisions should favour buildings, streets and open spaces that: provide a high quality design; have regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contribute to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive

contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

- 7.7 Policy 7.6 'Architecture' of the London Plan (2016) states that planning decisions should favour buildings and structures which: are of the highest architectural quality; of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm; comprise details and materials that complement, not necessarily replicate, the local architectural character; do not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.
- 7.8 Policy 7.8 'Heritage assets and archaeology' of the London Plan (2016) states in paragraph D that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.
- 7.9 Core Strategy Policy 16 'Conservation areas, heritage assets and the historic environment' of the Core Strategy (2011) states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, which include conservation areas, will continue to be monitored, reviewed, enhanced and conserved, according to the requirements of governance planning policy guidance, the London Plan policies, local policy and English Heritage best practice.
- 7.10 DM Policy 36 (B) of the Development Management Local Plan (2014) states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving or enhancing their character or appearance, will not grant planning permission where new development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 7.11 Paragraph 6.7 of the '*Residential Standards*' SPD states that when considering applications they should be sensitively designed to retain the architectural integrity of the building. The '*Residential Standards*' SPD also emphasises that any replacement windows in houses covered by an Article 4 Direction and in conservation areas will be required to be compatible with the character of the Conservation Area in order to obtain planning permission.
- 7.12 The Council's Conservation Officers were consulted on the initial design and considered that the proposal represented a high quality design which responded sensitively to the particular characteristics of the site. The extent of garden space between no. 7 and no. 5, due to the curve of the street, creates greater opportunity for side extensions or garages than elsewhere in the Conservation Area where most of the buildings are more closely spaced.
- 7.13 The extent to which the proposed extension is set back from no. 7's front elevation would help to preserve the appreciation of the host building's original form. The use of a brick front elevation is considered sensitive to the adjacent unfenestrated brick flank elevation, and helps the extension to sit 'quietly' next to the historic building, not drawing undue attention to the new addition nor obscuring the original form and extent of the host building. The timber and steel elements on the flank elevation of the extension would be seen in oblique and dynamic views as one walks along the

road, further back into the site and visually separate from the host building, and are considered an innovative response to their garden setting.

- 7.14 Additional information regarding the proposed materials and how the extension would be viewed from the street were requested. Officers were satisfied with the further details submitted, though material specifications and/or samples of the timber and metal cladding proposed are recommended to be secured by condition. Planning officers were also satisfied with the proposal.
- 7.15 An objection was received from a nearby neighbouring property on 18th October 2018. The complainant withdrew this objection on 28th October 2018. Notwithstanding this, the complainant did however re-submit a revised objection on 5th November 2018. That objection referenced the applicant's choice of materials, the scheme's scale and design and impact on the Conservation Area.
- 7.16 Officers consider that the proposed side wall is in keeping with the large blank brick side elevation of the application property, which is highly visible from the public realm. Officers note that the wall is significantly set back from the street and the front elevation of the application property, and as a result no material planning harm would arise to the character of the street scene or the wider Conservation Area. It is also facing a garage and the side of the rear garden of no.3 Perry Rise and so would not be highly visible from any of the upper storey windows of any of the properties on the opposite side of the road.
- 7.17 The objection from the Sydenham Society stated that they agreed with the neighbouring occupants' aforementioned objection and felt that the front façade wall was incongruous with the street scene.
- 7.18 The applicant was informed of this objection, and opted to self-prescribe a revision to address those objections. The agent altered the façade to incorporate a window. When reconsulted, both the Sydenham Society and local resident objected to the revised design. The local resident objected to the design of the extension as a whole this time, arguing that a pitched roof side extension of traditional design would be more appropriate.
- 7.19 Officers do not hold the same reservations as above, and instead are of the firm belief that the contemporary design is a high quality proposal that will enhance the overall character of the conservation area and application property. Officers also note that there are several pitched roof additions in the form of garages in the immediate vicinity of the property which do not enhance the character of the area, some of which are harmful to the area (notably the concrete garage adjacent at no.5).
- 7.20 Officers felt that the revised designs submitted by the applicant were inferior to the original proposal, and so it was decided by the applicant to proceed on the basis of the original designs, without the window.
- 7.21 The design of the extensions is contemporary and it is felt that the style, scale and materials would complement the application property and wider street scene well. The materials proposed are deemed to be of a high quality. The details of the timber and metal cladding would be secured by a condition. The proposal would replace an existing glass conservatory, which is of poor quality, and would be of similar dimensions and setbacks. It would enhance a part of the street scene, which is

currently dominated by the existing concrete garage at no.5. It would also be obscured by the existing planting and trellace, which would be retained as part of this application.

7.22 Unlike the existing garages immediately adjacent and opposite, the proposed side extensions would not be highly visible from the street, as they would be sufficiently set back, and of appropriate height and materials, all of which will serve to preserve and enhance the application property and character of the conservation area. There is no objection to the proposed basement alteration from a design perspective.

7.23 It is therefore considered that the construction of the two-single storey side extensions would create a high quality addition to the application property and would not cause material harm to the application property, streetscene or wider conservation area. In light of the above, Officers consider that the proposal would preserve the character of the host property and conservation area, in accordance with Core Strategy Policies 15 and 16 and DM Policies 1, 30, 31, 32 and 36.

Impact on Adjoining Properties

7.24 There would be no impact on neighbour amenity from the extensions as no windows would be located on the side elevation of the property and the height and setback of the proposed extensions mean that they would not appear overbearing from adjoining properties.

8.0 Local Finance Considerations

8.1 The subject application is not CIL liable and therefore there are no Local Finance Considerations to consider.

9.0 Equalities Considerations

9.1 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.

9.2 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.

9.3 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.

- 9.4 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 as 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: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 9.5 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
- 9.6 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: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 9.7 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.

10.0 Human Rights Implications

- 10.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Right to a fair trial
 - Respect for your private and family life, home and correspondence
 - Peaceful enjoyment of one’s property
- 10.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

10.3 Members need to satisfy themselves that the potential adverse impacts are acceptable and that any potential interference with Convention rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

11.0 CONCLUSION

11.1 This application has been considered in the light of policies set out in the Development Plan and other material planning considerations.

11.2 The proposal would continue to preserve and enhance the appearance of the host building and the Conservation Area and would cause no material planning harm to nearby neighbouring occupants. The proposal is consistent with the provisions of the Development Plan, Core Strategy and NPPF (2018).

12.0 RECOMMENDATION

GRANT 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: The works for which conservation area consent is hereby granted must be begun not later than the expiration of three years beginning with the date of this consent in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As Amended).

2. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

141_02_00; 141_02_01; 141_02_02; 141_02_04; 141_02_05; 141_02_06; 141_02_07; 141_02_09; 141_02_10; 141_02_11 (Received 12.09.2018); 141_02_03 Rev P01; 141_02_08 Rev P01; 141_02_12 (Received 05.11.2018).

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. Prior to the construction of the single storey side extensions proposed, specifications or samples of the corten metal screening and stained black Russian Redwood cladding to be used on the building must be 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.

INFORMATIVES

- (1) **Positive and Proactive Statement:** The Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.