

Committee	PLANNING COMMITTEE A	
Report Title	60 ERLANGER ROAD, LONDON, SE14 5TG	
Ward	Telegraph Hill	
Contributors	Luke McBratney	
Class	PART 1	21/12/2020

Reg. Nos. DC/20/118108

Application dated 25.08.20

Applicant MR Sam Burrows

Proposal Demolition of existing double garage and construction of a new outbuilding to the rear of 60 Erlanger Road, SE14.

Background Papers (1) Local Development Framework Documents
(2) The London Plan

Designation PTAL 5 & 6a
Air Quality
Telegraph Hill Conservation Area

1 SUMMARY

- 1 This report sets out the case officer's recommendations for the above proposal. The application has been referred to planning committee for a decision at the request of Cllr Joan Milbank and Cllr Luke Sorba.
- 2 This application was withdrawn from an earlier agenda due to the need to reconsult on changes made to this proposal. The original proposal would construct a single storey outbuilding with a green sedum roof and timber cladding to the front and side elevations. The revised development would change the materials to reclaimed London stock brick along the southern boundary and a slate roof has now been proposed.

2 SITE AND CONTEXT

Site description and current use

- 3 This application relates to a three storey, end-of-terrace single family dwelling located on the northwest corner of Erlanger Road and Sherwin Road junction.
- 4 The proposed outbuilding would be located to the West of the property, at the end of the garden and would replace an existing double garage with a tiled roof facing Sherwin Road and is clad in timber to West facing the main property. The outbuilding would be the same width as the existing garage and would be built along the shared boundary with No. 75 Waller Road. To the north, the proposed outbuilding would maintain the existing 0.3m distance from the shared boundary with No. 58 Erlanger Road.

Character of area

- 5 The property is located in a predominantly residential area characterised by terraced Victorian houses.

Heritage

- 6 The property is within the Telegraph Hill Conservation Area and is subject to an Article 4 direction which removes permitted development rights for alterations to street elevations and front gardens of dwellinghouses. The application site is not a listed building or in the close proximity of one.

Surrounding area

- 7 The site is within a 5-minute walk to Edmund Waller Primary School.

Transport

- 8 The Public Transport Accessibility Level (PTAL) for this property is 5 & 6a.

3 RELEVANT PLANNING HISTORY

- 9 **DC/20/115496** - The construction of a single storey rear and side extension (wrap around) at 60 Erlanger Road, SE14, together with relocation of the existing timber gate at the side boundary wall. REFUSED (Committee date 25/06/2020 and decision date 26/06/2020) Reason for refusal: *The proposed rear extension, by reason of its siting, design and materials, would represent an unsympathetic and discordant addition which would fail to preserve or enhance the character and appearance of the Telegraph Hill Conservation Area and, in the absence of significant public benefits arising from the development, the proposal runs contrary to Policies DM 30, 31 and 36 of the Development Management Plan and paragraph 196 of the National Planning Policy Framework.*
- 10 Officers consider the following application to be relevant for Members, given the similarities to the proposed application: 131 Waller Road - construction of new garage, approved February 2009 (ref. DC/09/070932/FT) and new extension with pitched green roof (including new boundary wall), approved August 2019 (DC/19/112823).

4 CURRENT PLANNING APPLICATION

4.1 THE ORIGINAL PROPOSAL

- 11 The proposal seeks to demolish the existing double garage and replace it with a single storey outbuilding to be used for the purposes of additional storage and a gym. The outbuilding will closely match the existing footprint of the double garage. Introducing a sedum roof and timber cladding along the boundary on Sherwin Road.

4.2 REVISED PROPOSAL

- 12 The revised proposal will now feature natural slate roof coverings, reclaimed London stock brick and use Flemish bonding with lime mortar. The side access door has also been removed to ensure the outbuilding remains ancillary to the main house.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

- 13 Site notices were displayed on 09/09/2020 and a press notice was published on 09/09/2020. Letters were sent to neighbouring occupiers and the relevant ward Councillors on 02/09/2020.
- 14 Cllr. Millbank raised concerns over the potential use of the outbuilding as a separate residential dwelling.
- 15 Two neighbour responses received, comprising two objections. The Telegraph Hill Society also objected.
- 16 Officers sent letters outlining the revisions on 04/11/2020, to all original consultees and those who raised comments.
- 17 The two neighbours have re-confirmed the original objections to this proposal, while the Telegraph Hill Society have withdrawn their objections (see para 21, below).

5.1.1 Comments in objection

Comment	Para where addressed
Plans do not show the correct boundary of the property for No. 58 Erlanger Road	Section 7.3.1
Proposed Plans will be on shared boundary to the west of the application site and would restrict sunlight into land currently housing a double garage.	Section 7.3.2

5.2 INTERNAL CONSULTATION

- 18 The following internal consultees were notified on 02/09/2020.
- 19 Conservation Officers – Commented on boundary materials and brick details. See para52 for further details.

5.3 EXTERNAL CONSULTATION

- 20 The following External Consultees were notified on 02/09/2020, following revisions to the scheme additional consultation letters were issued on 04 November 2020.
- 21 Telegraph Hill Society –Originally objected to the height, roofing materials and boundary treatment. Through helpful discussions with the Telegraph Hill Society and the applicant, revision were made to the scheme. The proposed outbuilding will now use natural slate roof coverings, reclaimed London stock brick with Flemish bonding. Following these amendments the Telegraph Hill society have raised no objections.

6 POLICY CONTEXT

6.1 LEGISLATION

22 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

23 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets, in particular a requirement when assessing development affecting a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

6.2 MATERIAL CONSIDERATIONS

24 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

25 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

26 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

6.4 DEVELOPMENT PLAN

27 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

28 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)

29 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)

6.6 OTHER MATERIAL DOCUMENTS

- Draft London Plan: The Mayor of London published a draft London Plan on 29 November 2017. The Examination in Public was held between 15th January and 22nd May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State (SoS) the Intend to Publish London Plan on 9th December 2019. The SoS issued a letter on 13 March 2020 directing modifications to the Local Plan, and the Mayor of London responded on 24 April 2020 indicating he will work with the SoS to achieve the necessary outcomes. The Mayor wrote to the SoS on 9 December 2020, stating his intention to publish his Plan with some modifications to reflect the March Directions. The SoS replied on 10 December with some further Directions. Notwithstanding these requested modifications, this document now has some weight as a material consideration when determining planning applications.

7 PLANNING CONSIDERATIONS

30 The main issues are:

- Principle of Development
- Urban Design & Heritage
- Impact on Adjoining Properties

7.1 PRINCIPLE OF DEVELOPMENT

General policy

31 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 without delay so long as they accord with the development plan.

31.1.1 The principle of development (residential extension) is accepted considering the subject site and surrounding context is an established residential area.

31.1.2 The Development Plan is generally supportive of people extending or altering their homes. The principle of development is supported, subject to details.

7.1.1 Principle of development conclusions

31.1.3 The Development Plan is generally supportive of people extending or altering their homes. The principle of development is supported, subject to details. A condition is recommended to ensure the outbuilding is only used for ancillary purposes associated with the main dwellinghouse, in response to Cllr Millbank's concerns.

7.2 URBAN DESIGN

General Policy

- 32 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 33 CSP 15 and 16, DMLP 30, 31 and the provisions of the Alterations and Extensions SPD reflect this and are relevant.
- 34 CSP 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 35 DM Policy 30 'Urban Design and Local Character' (5) of the Lewisham DMLP (2014) requires a site specific design response to have regard for local distinctiveness such as "building features and uses, roofscape, open space and views". Further (5)(b) of the same policy requires the site specific design response to include "height, scale, and mass which should relate to the urban typology". The same policy requires that any development should relate to the scale and alignment of the existing street including its building frontages.

7.2.1 Appearance and character

Form and Scale

Policy

- 36 Part 5 of DM Policy 30 of the DMLP (2014) requires a site specific design response to have regard for local distinctiveness such as "building features and uses, roofscape, open space and views". Further, as per Part 5(b) of the same policy, the "height, scale and mass which should relate to the urban typology of the area".

Discussion

- 37 The proposed scale and massing is appropriate for the location and would be subservient to the original dwellinghouse. The proposed out building would be 5.7m wide and 5.8m deep and would be built along the shared back boundary at the rear of the property. The highest part of the development is at the top of the asymmetrical roof pitch, approximately 3.3m in height. Due to the roof's design, the eaves height would be 2.5m along the boundaries with No. 58 and Sherwin Road. The shallow dual pitch of the proposed roof form helps to ensure adequate internal head heights and maintain acceptable eaves height along the neighbouring boundaries.
- 38 The proposed outbuilding as mentioned above would feature an asymmetrical roof design with a long shallow pitch towards the boundary with No. 58. This roof slope would feature three rooflights and access to both the store room and gym.
- 39 The existing double garage measures 5.2m wide, 6.2m deep with an eaves height of 2m and a maximum height of 2.3m. Officer's note that the existing garage is set back from the rear boundary with No 75 Waller Road and is sited further east towards the main house. The area of the existing garage measures 32.4m² whilst the proposed building would be 34.2m², a total increase of 2m².
- 40 It should also be noted that directly opposite, to the South of the application site at No.62 Erlanger Road, a two storey outbuilding has been constructed. Furthermore two similar applications have been approved at 46 Erlanger Road (December 2008) and 131 Waller Road (February 2009).
- 41 The current proposal has been assessed against the relevant DM Policy 30, 31 and CS15, and is considered to be acceptable in terms of its height and massing.

Detailing and Materials

Policy

- 42 DM Policy 30 (5)(g) of the DMLP (2014) prescribes that “details of the degree of ornamentation, use of materials... should reflect the context by using high quality matching or complementary materials”.

Discussion

- 43 The design and access statement provides an in-depth contextual analysis of the local character and typology. In summary, the outbuilding’s materiality includes a sustainable lightweight timber cladding of Serbian larch and a green sedum roof to increase biodiversity. The form is contemporary, visually distinctive and subservient to the main house. The use of reclaimed London Stock brick with Flemish bonding on the boundary to Sherwin Road is reflective of the other garages and outbuildings that are located in similar conditions on corner properties and would reflect the existing garage design. The proposal would feature vertical Siberian larch timber on the east elevation (facing the rear of the dwellinghouse), in addition the installation of low profile aluminium doors are of high quality. Please see image one below for reference to how the new proposal would be viewed from the main house with the Siberian timber cladding. Officers acknowledge that the proposed timber would not match that of the main dwelling however find the use larch timber together with the natural slate roof would be a positive contemporary design.

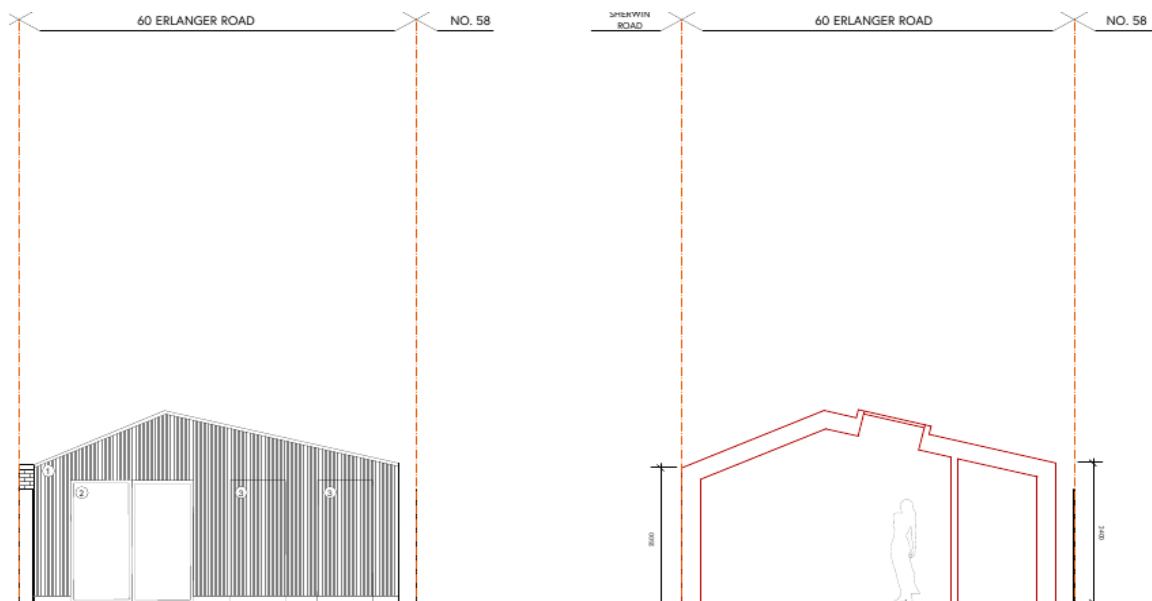


Image 1 – Proposed front elevation, clad in Siberian Timber Larch. (As viewed from the main house)

- 44 Image two below shows the proposed single storey outbuilding as viewed from Sherwin Road. The revised proposal would use reclaimed London stock brick and use Natural slate to ensure the character of the conservation area is maintained.

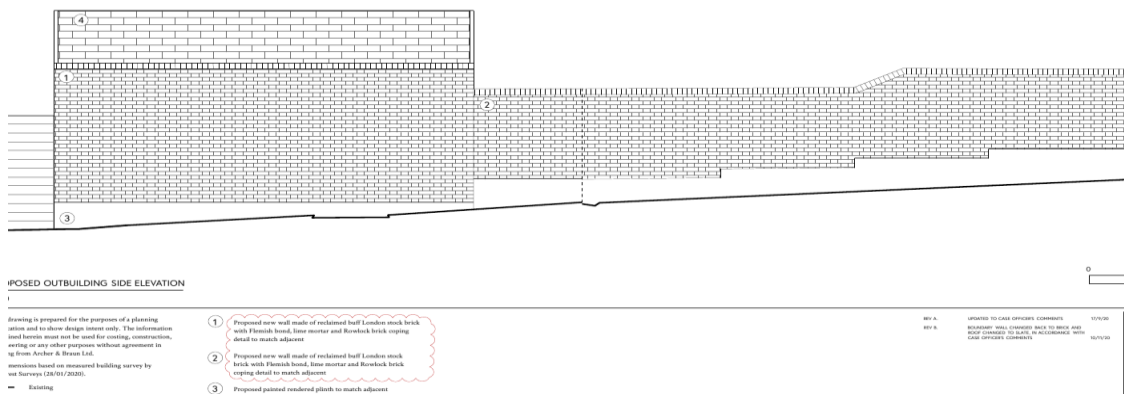


Image 2 – Side Elevation (as seen from Sherwin Road)

7.2.2 Impact on Heritage Assets

Policy

- 45 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 46 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 47 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset’s conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.
- 48 LPP 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details. DLPP HC1 reflects adopted policy.
- 49 CSP 16 ensures the value and significance of the borough’s heritage assets are among things enhanced and conserved in line with national and regional policy.
- 50 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.
- 51 Further guidance is given in the Alterations and Extensions SPD (April 2019). This guidance states in section 6.9, that outbuildings will only be accepted if ancillary to the house and be constructed in materials appropriate for a garden setting i.e. timber cladding.
- 52 Further guidance is also given for applications in Conservation Areas, stating outbuildings should relate well to the existing house, be of simple form, modest scale and contemporary design and should be discreetly positioned.

Discussion

- 53 Officers note that this property is visible from the public realm along Sherwin Road.
- 54 The existing double garage features an asymmetrical roof design, although it is noted that the proposed design would be larger in scale than the existing double garage by approximately 2m², the proposed reclaimed London stock brickwork with Flemish bonding along the Southern boundary would mirror previously approved schemes and more importantly would match that of the existing historical character of the Telegraph Hill conservation area. Conservation officers were consulted on the proposal and raised some concern over the use of brick along the visible boundary on Sherwin Road. After discussions with the applicant and the Telegraph Hill Society it was agreed that the use of reclaimed London Stock and Flemish bonding would ensure the proposed outbuilding remains secondary to the host property but would retain the historical character of property. This will ensure the outbuilding when viewed from the conservation area would read as an ancillary outbuilding and preserve the existing views of the Telegraph Hill conservation Area, whilst introducing a contemporary design as outlined in the Alterations and Extensions SPD.
- 55 Officers also note that the inclusion of a green sedum roof was originally proposed for this scheme, to help reduce the visual impact of this proposal due to the existing vegetation. However, through discussions with the applicant and the Society, the use of natural slate has been proposed to ensure the outbuilding introduces a Victorian design element. Moreover, the dual asymmetrical design of the dual pitch results in the longer roof slope allowing for the inclusion of three rooflights. The height is clearly subservient being 2.5m on the eaves and would be stepped in to match the raised garage entrance. The modern contemporary design sensitively contrasts to clearly distinguish between old and new, using high quality materials.
- 56 For these reasons, Officers find that the proposal would preserve the character and appearance of the Telegraph Hill Conservation Area and would not harm the significance of this heritage asset.

Summary

- 57 Officers, having regard to the statutory duties in respect of conservation areas in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character or appearance of Telegraph Hill Conservation Area.

7.2.3 Urban design conclusion

- 58 In summary, the proposed outbuilding is a contemporary and high quality, unique, site-specific response that would create interest. It is of an appropriate height and scale; it is considered that the proposed landscaping scheme would retain the character of the site. The design and access statement provides an in depth contextual analysis and provides justification for the choice of materials. The design of the proposal is therefore acceptable, and in line with the aforementioned policies, subject to a condition requiring the use of materials as specified in the application.

7.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 59 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and

future users. This is reflected in relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL).

- 60 DMP32 (1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 61 The main impacts on amenity arise from: impacts on outlook and sense of enclosure, loss of privacy and loss of daylight within properties and loss of sunlight to amenity areas.
- 62 The surrounding area is predominantly residential, characterised by terraced and semi-detached dwellinghouses.
- 63 As stated above, this proposal has received two objections. These objections relate to the proposed site boundaries shown on the plan drawings with No.58 whilst the second objections highlights the ownership of the land to the rear of the application property and raises concerns over the impact the proposed would have over the amount of sunlight that can enter the property.

7.3.1 58 Erlanger Road

Outlook, sense of enclosure and overbearing

- 64 The property No. 58 Erlanger Road is a single-family dwellinghouse located to the north of the application site (see site location plan below). The back garden is approximately 27m long, similar to that of the application site. Officers note that an objection has been raised relating to the proposed site boundary on the plans. The applicant has provided a survey that concludes the outbuilding is within the ownership of No. 60 Erlanger Road. It is also noted that the outbuilding will be set in from the boundary by 0.3m. It is also noted that the applicant has submitted ownership Certificate A, confirming that the proposed outbuilding will be built on land owned by the applicant. Boundary disputes are not a material planning consideration in assessing whether an application is acceptable. Officers have no reason to conclude the ownership situation, as confirmed by Certificate A, is not correct.
- 65 The impacts on the amenity of No. 58 are also considered acceptable, due to the location of the proposed outbuilding to the back of the garden and the fact that the proposed extension would be set in from the shared boundary with No.58 by 0.3m. It is acknowledged that this proposal would be higher than existing structure by 0.5m, however the asymmetrical roof design and slate roof would mitigate issues of overbearingness or sense of enclosure. Officers find the proposed eaves height of 2.5m along this boundary to be acceptable.

Privacy

- 66 The proposed extension would not introduce any new openings that would lead to the loss of privacy for No. 58, three rooflights would be installed on the shallow roof slope towards the boundary with No. 58, due to the location of the new openings on the roof slope, officers are satisfied that the internal head height of 3.3m would ensure anyone standing in the proposed outbuilding would not have direct views into the neighbouring amenity areas. . For this reason officers are satisfied that this proposal would not raise any concerns relating to the loss of privacy at No. 58 Erlanger Road.

Daylight and sunlight

- 67 Officers note that the rear of these properties are heavily covered with planting and trees, this proposal would not negatively impact the amount of daylight/ sunlight that enters the existing amenity space at No. 58. Please see a copy of the site location plan below for reference to neighbouring properties.

Site location plan, north to the top, showing Erlanger Road (north-south road on right side), Sherwin Road (west-east) and Waller Road (north-south, far left side)



7.3.2 Garages to the west of No. 60

- 68 The second objection has highlighted that the land directly west of the application site, occupied by dilapidated garages, is not in the ownership of No.75 Waller Road. This land has been purchased by a resident on Waller Road. The objection also raises some concerns over how this proposal would impact the amount of daylight/sunlight that can enter that land and who will be liable for any damage caused to the shared boundary wall. From discussions with the Owner of this land, the Applicant has assured them that they will send correspondence prior to works commencement. For the avoidance of doubt, the question of damage is not a material planning consideration in this instance.
- 69 Officers note that this land, while accommodating dilapidated garages, is currently not in use and is overgrown.
- 70 The impacts on this land to west of the application site are considered acceptable due to the presence of the existing double garage at 60 Erlanger Road. For this reason, the maximum pitch of 3.3m along the neighbouring and an eaves height of 2.5m is considered to have an acceptable impact in terms of sense of enclosure and loss of outlook on the adjoining land to the rear of No.60.

Privacy

- 71 The proposed extension would not negatively impact the privacy of the neighbouring property, this proposal is for a single storey outbuilding and no new openings are proposed to the rear elevation.

Daylight and sunlight

- 72 This neighbouring land is currently vacant, dilapidated garages. The proposed extension would be constructed along the shared flank wall. The maximum pitch height of 3.3m and an eaves height of 2.5m would ensure adequate levels of sunlight would enter this land to the rear.

7.3.3 75 and 73 Waller Road

- 73 Due to the fact the vacant, dilapidated garages discussed above provide a buffer between the proposed development and the gardens of No. 75 and 73 Waller, Officers are satisfied that this proposal would not negatively impact the neighbouring amenity.

7.3.4 Impact on neighbours conclusion

74 The proposed development would not result in harm to the amenity of neighbouring residents. In accordance with DM Policy 32 and our alterations and extensions SPD.

8 EQUALITIES CONSIDERATIONS

75 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.

76 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- Foster good relations between people who share a protected characteristic and persons who do not share it.

77 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.

78 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: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

79 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

80 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>

81 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.

9 HUMAN RIGHTS IMPLICATIONS

82 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:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

83 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.

84 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above 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.

85 The rights potentially engaged by this application, including any of the conventions stated above are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

87 The proposed would be a high quality rear outbuilding, through the use of an appropriate degree of complementing and contrasting design elements and materials in relation to the host dwelling. The contemporary timber cladding material and aluminium framed windows are considered to be high quality. For this reason officers are satisfied that the proposal would preserve the character and appearance of the conservation area and would not adversely impact the amenities of neighbouring properties.

88 Given the acceptability of the proposed use and relevant planning policy compliance, the proposal is considered to be in accordance with the development plan as a whole.

89 In light of the above, the application is recommended to be approved.

11 RECOMMENDATION

90 That the Committee resolve to **GRANT** planning permission subject the following conditions and informatives:

11.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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) PLAN NUMBERS

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

0105-ABA-00-006; 0105-ABA-00-015; 0105-ABA-00-016; 0105-ABA-00-001;
0105-ABA-00-080; Design and Access Statement (Author: Archer+Braun Dated:
August 2020) (Received: 26th August 2020)

Lang Registry Plan (Received: 5th October 2020)

0105-ABA-00-116B; 0105-ABA-00-080B; 0105-ABA-00-226A; 0105-ABA-00-
115B; 0105-ABA-00-225A; 0105-ABA-00-227A; ; 0105-ABA-00-225B; 0105-ABA-
00-227B; 0105-ABA-00-226B (Received: 25 November 2020 2020)

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) MATERIALS AND DESIGN QUALITY

The development shall be constructed in those materials as submitted namely: Siberian Timber Larch to the east elevation, Aluminium Windows, Natural Slate Roof coverings and reclaimed London Stock Brick with Flemish bond to the other elevations with lime mortar, pointing method and rowlock coping to match the existing wall along Sherwin Road.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character, DM Policy 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) ANCILLARY USE

The outbuilding hereby approved shall not be used or occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse known as 60 Erlanger Road,

Reason: The application has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of

the area and amenity for future occupiers contrary to relevant Policies in the London Plan (2015), Core Strategy (2011) and Development Management Local Plan (2014).

11.2 INFORMATIVES

- 1) **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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.