

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 26 FEBRUARY 2015 TIME 7.30 PM**

PLACE: **ROOM 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Paul Bell (Chair)
Suzannah Clarke (Vice-Chair)
John Coughlin
Maja Hilton
Simon Hooks
Ami Ibitson
Helen Klier
Olurotimi Ogunbadewa
John Paschoud
Jonathan Slater**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Barry Quirk
Chief Executive
5th Floor Laurence House
1 Catford Road
London SE6 4RU
Date: Tuesday, 17 February 2015**

**For further information please contact:
Yinka Ojo Committee Co-ordinator
3rd Floor Laurence House
Telephone No: 020 8314 9785
Email: planning@lewisham.gov.uk**



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- ensure that you never leave your recording equipment unattended in the meeting room.

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Committee	PLANNING COMMITTEE C	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	26 February 2015

Members are asked to declare any personal interest they have in any item on the agenda.

(1) Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (a) Disclosable pecuniary interests
- (b) Other registerable interests
- (c) Non-registerable interests

(2) Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain.
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
 - (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

(5) Declaration and Impact of interest on member's participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception);
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt;
- (d) Allowances, payment or indemnity for members;
- (e) Ceremonial honours for members;
- (f) Setting Council Tax or precept (subject to arrears exception).

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Committee	PLANNING COMMITTEE C	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	26 FEBRUARY 2015

MINUTES

To approve the minutes of the Planning Committee (C) meetings held on 09 October 2014 and 15 January 2015.

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Committee	PLANNING COMMITTEE C	
Report Title	4 LEATHWELL ROAD, DEPTFORD SE8 4JL	
Ward	Lewisham Central	
Contributors	Michael Forrester	
Class	PART 1	26 FEBRUARY 2015

Reg. Nos. DC/14/89216

Application dated 23.09.2014

Applicant Mr C Waite

Proposal The construction of a mansard roof extension, incorporating two dormer windows to the front and a dormer window and French doors with Juliette balcony to the rear

Applicant's Plan Nos. 1 of 8 rev C, 2 of 8 rev C, 3 of 8 rev C, 4 of 8 rev C, 5 of 8 rev C, 6 of 8 rev C (received 6/01/2015) & Site Plan.

Background Papers

- (1) Case File LE/149/4/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation [Core Strategy, Site Allocations Local Plan or Lewisham Town Centre Local Plan] - Existing Use

1.0 Background

1.1 This application was considered by Members at the meeting of Planning Committee C on the 18th November 2014. Members resolved to defer determination of the application in order to enable Officers and the applicant to seek to agree a proposal that meets the room size standards as recommended in the London Plan and to agree the materials to be used within the roof extension.

2.0 Additional Information Submitted

2.1 Following the committee meeting, the applicant has submitted a set of revised plans. The changes include the alteration of 1 of the loft level bedrooms to a study and the alteration of a double bedroom to a single bedroom.

2.2 Additional detail has been added to the plans, including clarification of the height of the proposed extension and detailed 1:10 drawings of the parapet wall. Additional information has also been provided on the drawings with regard to the proposed materials. This includes lead flashing around the windows and Juliette balcony doors and the alteration from uPVC doors to timber. The balustrade for the Juliette balcony has also been reduced in width.

3.0 Property/Site Description

- 3.1 The application site, No. 4 Leathwell Road is a two storey terraced house located on the western side of Leathwell Road. The property features a butterfly roof with a low parapet. The properties on surrounding streets (Leathwell Road and Elverson Road) share the same building and roof design. No property in the street currently possesses a mansard roof extension.
- 3.2 The property features an original rear two-storey projection with pitched roof. The property is not located within a conservation area, and is not a listed building.

4.0 Planning History

- 4.1 DC/10/75059 – the construction of a single storey extension at the rear of 4 Leathwell Road SE8 together with alterations to the rear elevation – granted 22/09/2014.
- 4.2 There have been a number of similar mansard roof extensions proposed in Leathwell Road which are of relevance to this application. These are listed below:
- No. 13 Leathwell Road – refused 30/09/2014
No. 6 Leathwell Road – refused 24/09/2014
No. 13 Leathwell Road – refused 26/04/2012
- 4.3 The reasons for refusal relate to the scale and design, which would result in a visually intrusive addition to character and appearance of the area and be out of character with the characteristic roofscape within the street.

5.0 Current Planning Applications

The Proposals

- 5.1 Permission is sought for the construction of a mansard roof extension. This would measure 1.3m above the existing parapet and is enclosed by two party walls measuring 1.4m high. The roof is to be clad in slate.
- 5.2 The chimney is to be relocated and raised up to a height of 9.2m above ground level, representing an increase of 0.8m.
- 5.3 The front elevation of the mansard incorporates two Upvc windows with the rear a single window and Juliette balcony serving the bedroom.
- 5.4 Internally, the roof extension would create two bedrooms and a bathroom, creating a five-bedroom property.

6.0 Consultation

- 6.1 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.

- 6.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents and Organisations

- 6.3 Neighbour notification letters were sent to surrounding properties and to local ward Councillors.

- 6.4 A letter of support has been received from the residents of No. 6 Leathwell Road raising the following points:

- Extension blends in well;
- Would encourage similar development of the terrace;
- Extension makes little difference compared with large unattractive development in the area;
- Recent increase in house prices and lack of family accommodation has made it difficult for couples to have families and remain in London.

- 6.5 Councillor Jeffrey has written in support of the proposal as follows:

- Seems unfair to reject this and similar applications as permission for similar extensions has been granted in St John's Conservation Area, also in context of proximity of Thurston Road developments.
- Opportunity for developing a new roofscape; additional advantage of producing more family sized homes which will encourage people to stay in the area developing a more stable community.
- Requested that this application be determined at planning committee.

7.0 Policy Context

Introduction

- 7.1 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)

- 7.2 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

- 7.3 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)'.
- 7.4 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

- 7.5 The other relevant national guidance is:

Design

London Plan (July 2011)

- 7.6 The London Plan policies relevant to this application are:

Policy 7.4 Local character

Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)

Core Strategy

- 7.8 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:

Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

7.9 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 policies are considered to be relevant to this application:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable design and construction
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

Residential Standards Supplementary Planning Document (August 2006, revised 2012)

7.10 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.

8.0 Planning Considerations

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

- a) Design
- b) Impact on Adjoining Properties
- c) Sustainability and Energy

Design

8.2 DM Policy 31 states that 'rear extensions will generally not be permitted where any part is higher than the height of the ridge of the main roof, or where the extension is not set back into the roof slope. Roof extensions on the street frontage of a building, particularly in a residential street will be resisted in favour of extensions to the rear of the building'.

8.3 In this instance, No. 4 Leathwell Road is a mid terrace property with an unaltered roof. Leathwell Road retains a consistent roofline of distinctive London 'butterfly' roofs. These roofs are hidden behind a parapet when viewed from the front, giving the impression of flat roofs. The V shaped roofs are visible from the rear and particularly on street corners, when viewed from the railway line and the DLR. Leathwell Road has a

consistent character and distinctive roofscape and most dwellings retain their decorative cornice at roof level which creates a strong, legible character. There are no mansard roofs in this street.

- 8.4 Proposals for mansard roofs have been refused at Nos. 6 (DC/14/88560) and 13 (DC/12/79594 and DC/14/88677). The grounds of refusal relate to the introduction of the roof extension as being out of character with the consistent rhythm of the prevailing roofscape in surrounding streets and would represent a visually intrusive addition to the streetscene.
- 8.5 The proposals for a mansard roof in effect would create a second storey, replacing the V shaped butterfly roof, set behind the parapet. It is considered that the additional storey would appear bulky and incongruous, dominating the streetscene, rising high up above the parapet. The raised party walls would be highly prominent from surrounding viewpoints and the raised chimney would stand much taller than any other in the street. This would only serve to emphasize the prominence of the roof extension.
- 8.6 It is noted that there are a number of mansard roof extensions in the adjacent streets which form the Brookmill Road Conservation Area, these are regrettable and are considered to be damaging to character and appearance of the conservation area. These mansard extensions in the conservation area however, are limited primarily to Albyn Road. The Council continues to assess mansard roof extensions on the merits of the individual case and they are generally resisted due to their obtrusive appearance.
- 8.7 Their introduction in this street, although not located in a conservation area, would be damaging to the terrace which is locally distinctive. To introduce a mansard style roof that would effectively result in an additional storey here would be damaging to the local character.
- 8.8 Following the deferral of the application from Planning Committee C meeting on the 18th November the applicant has provided additional clarification on the height of the extension and included detailed 1:10 drawings of the parapet walls. Additional information has also been provided within the plans with regard to the proposed materials. This includes lead flashing around the windows and Juliette balcony doors, amendment from upvc doors to timber and the balustrade for the Juliette balcony has been reduced in width.
- 8.9 Previously officers raised concern (in addition to the massing) with regard to the detailing of the extension which was considered to be poor, the use of upvc and lack of detail for the balustrade.
- 8.10 It is considered that with the additional information submitted, clarity has been provided as to the appearance of the extension, and the reduction in width of the balustrade on the rear elevation is welcomed as this results in a cleaner appearance when viewed from the rear, however, Officers remain concerned at the scale and bulk of the extension which has not been amended.

- 8.11 The extension would continue to project up creating a second floor to the property which is not typical of Leathwell Road. The proposed extension would remain extremely prominent in the streetscene and it is considered it would be harmful to the character of the locality which is defined by traditional London V shaped roofs.
- 8.12 As the V shaped butterfly roof is characteristic of other parts of the north part of the borough, being a building form typical in London of houses built prior to 1860, should permission be granted, it would be more difficult to resist this type of alteration in other locations, resulting in a cumulative deterioration in the character of these properties and their surroundings.

Housing Issues

- 8.13 The plans as originally submitted proposed that the loft extension would accommodate two bedrooms and a bathroom. However, the size of the bedrooms measured approximately 7.5 sqm which is not adequate for a double bedroom and smaller than the recommended size of a single bedroom within the London Plan housing SPG (at 8 sqm).
- 8.14 The applicant has therefore revised the plans to change one of the loft level bedrooms to a study and amended the plans to show a single, rather than a double bedroom. This is considered acceptable, however, the applicant would be able to use both rooms as bedrooms; this is not for the Council to control.

Impact on Adjoining Properties

- 8.15 The rear windows would overlook the garden although this is considered not to cause significant harm in terms of loss of privacy. No objection is raised to the Juliette balcony from an amenity perspective. Although it is considered to be visually incongruous.
- 8.16 It is noted that no objections have been received from neighbouring occupiers.

Sustainability and Energy

- 8.17 The proposal complies with the principle of extending an existing building and maximises the use of a site. All habitable rooms would benefit from good levels of natural light and ventilation. For a development of this scale it is not considered appropriate or necessary to insist upon the inclusion of renewable energy provisions.

9.0 Community Infrastructure Levy

- 9.1 The above development is not CIL liable.

10.0 Equalities Considerations

- 10.1 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.
- 10.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 10.3 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. In this matter there is no impact on equality.

11.0 Conclusion

- 11.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 11.2 The introduction of a mansard roof extension would read as a second storey to this property in a road characterised by traditional London butterfly roofs. Although additional details have been submitted regarding the materials and detailing, the extension is considered to be of poor quality, appearing bulky and intrusive on the elevation. It is recommended that planning permission is refused.

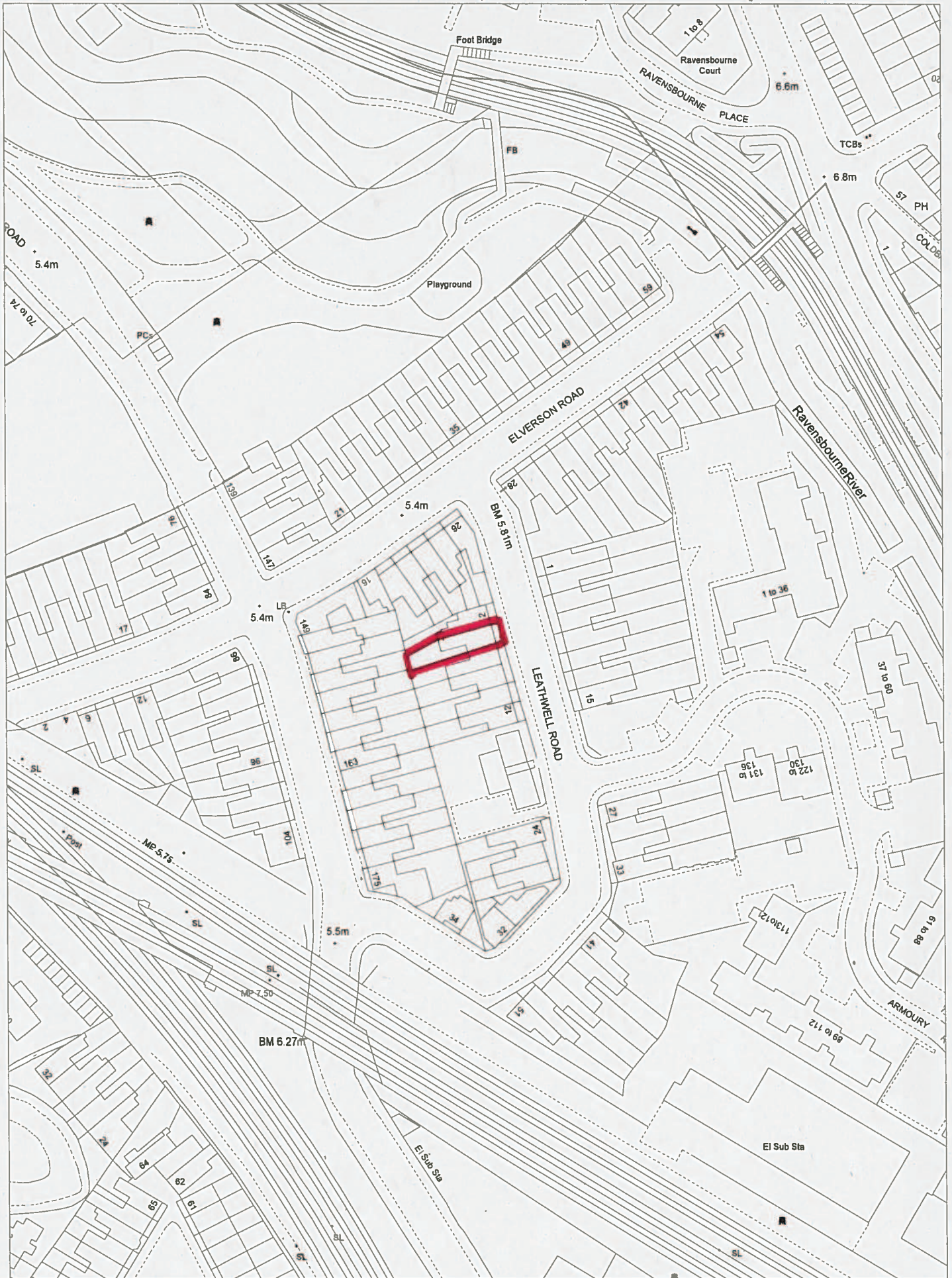
12.0 RECOMMENDATION REFUSE PLANNING PERMISSION for the following reason:

The proposed roof extension, by reason of its scale, massing and design, would be out of character with the consistent rhythm of the prevailing roofscape within the surrounding streets and would represent a visually intrusive addition harmful to the character and appearance of the area. As such, the proposal would be contrary to Policy 15 in the adopted Core Strategy (June 2011) and DM Policy 30 and DM Policy 31 in the Development Management Local Plan (November 2014).

INFORMATIVE

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 before the application was submitted. Further discussion took place following the meeting of the Planning Committee on 18 November 2014 however In spite of the submission of further information, the proposals submitted are clearly contrary to the provisions of the Development Plan.

4 LEATHWELL ROAD, LONDON, SE8 4JL



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Committee	PLANNING COMMITTEE C	
Report Title	28 BOUSFIELD ROAD SE14 5TR	
Ward	Telegraph Hill	
Contributors	Jan Mondrzejewski	
Class	PART 1	26 FEBRUARY 2015

<u>Reg. Nos.</u>	DC/14/88207
<u>Application dated</u>	30.06.14 [as revised on 15.12.14]
<u>Applicant</u>	MPRM on behalf of Mr T Gander
<u>Proposal</u>	The construction of a single storey infill extension to the rear of 28 Bousfield Road SE14.
<u>Applicant's Plan Nos.</u>	A0.100, A0.101, A1.100, A1.101, A1.102, A2.100, A2.101, A2.102, A3.100, A4.100 , A4.103a, A4.104 , A5.100a, A5.101 , A6.101a, Design and Access Statement 001, Heritage Statement 002
<u>Background Papers</u>	(1) Case File DE/45/28/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (Nov. 2014) (4) The London Plan (July 2011) (5) Telegraph Hill Conservation Area Supplementary Planning Document (March 2008)
<u>Designation</u>	Existing Use

1.0 Property/Site Description

- 1.1 No. 28 Bousfield Road is a two storey terraced house of c1890 with a two storey back addition, located in the Telegraph Hill Conservation Area. The Conservation Area is subject to an Article 4 Direction which removes permitted development rights with regard to the alteration of street elevations and front gardens of dwelling houses. The property is a C3 single family dwelling house. The property has double hung timber sash windows to the front elevation and a small front garden with modern boundary wall. The property is currently undergoing renovation and this work has included the removal of a satellite dish from the front elevation of the property.

2.0 Planning History

- 2.1 An application, submitted by the current applicant, for a rear roof extension at the premises was withdrawn in December 2015.

3.0 Current Planning Application

- 3.1 The current application is a revised proposal for the construction of a single storey infill extension to the rear of the property. This will occupy the space between the side elevation of the back addition of the property and the boundary with No 30 Bousfield Road. The extension runs almost to the rear elevation of the back addition and has a lean-to roof. The intention is to largely remove the side wall of the back addition including the existing bay window on the side elevation to create an open plan kitchen/diner/family space which can be extended into the garden via doors on the rear elevation of the existing back addition and the rear elevation of the proposed extension. The application also removes the narrow outside WC/storage space which projects from the rear elevation of the back addition adjoining the boundary with No 26.
- 3.2 The proposed infill extension is 6400mm long x 1800mm wide and as originally submitted, aligned with the front face of the existing rear elevation. The applicant was advised by officers to slightly set the extension back from the rear elevation of the back addition, so as to break the join between the original addition and the proposed extension. This has been incorporated into a revised design. The lean-to roof will be sloped at an angle of 22 degrees to a box gutter adjoining the boundary with No 30. The height of the extension on the boundary line is 2400mm. This was originally intended to be concealed by a parapet wall on the rear elevation of the extension at a height of 3000mm from ground level. In the revised scheme the parapet wall follows the slope of the lean-to roof.
- 3.3 Originally, the rear elevation of the infill extension was to be rendered with sand and cement and painted white from ground level up to 3 metres. This will now be in London stock brick. The lean-to roof, which was originally intended to be glazed, will in the revised scheme incorporate a reduced area of glazing adjoining the main rear elevation of the house with the remaining part of the lean-to roof covered in natural slate.

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.

Written Responses received from Local Residents and Organisations

- 4.3 One reply from the Telegraph Hill Society, objecting to the proposal on the following grounds:-
- 1) The bay window on the side elevation of the back addition is a characteristic feature of this particular Conservation Area house type and should be retained.
 - 2) The use of large areas of glazing to the roofs of single storey extensions gives rise to light spillage and glare to the detriment of the amenities of neighbouring occupiers.

- 3) The extension results in a long section of tall featureless wall to the garden of No 30 Bousfield Road.
- 4) The use of white painted render as a finish on the proposed extension is uncharacteristic of the Conservation Area. London stock brick in Flemish bond to match the original house should be used.
- 5) The aluminium framed doors and door openings lack the traditional detailing of houses in the Conservation Area.
- 6) As the proposed extension is not in keeping with the character of the area and detrimental to the amenities of neighbours, it is contrary to Council policy.
- 7) The Society is also objecting to a similar extension at 41 Gellatly Road which features the loss of a similar bay window and large glazed areas of roofing, likely to give rise to light spillage.

(Letter available to Members).

The Amenities Society Panel

- 4.4 The Panel objects to the significant change to the form of this building, the loss of original features such as the distinctive bay window to the kitchen extension, the poor relation of the wide opening created to the rear elevation, and the large rooflights.

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.

London Plan (July 2011)

- 5.5 The London Plan policies relevant to this application are:
- Policy 3.4 Optimising housing potential
 - Policy 3.5 Quality and design of housing developments
 - Policy 3.8 Housing choice
 - Policy 3.9 Mixed and balanced communities
 - Policy 3.14 Existing housing
 - Policy 5.3 Sustainable design and construction
 - Policy 5.13 Sustainable drainage
 - Policy 5.18 Construction, excavation and demolition waste
 - Policy 6.13 Parking
 - Policy 7.1 Building London's neighbourhoods and communities
 - Policy 7.2 An inclusive environment
 - Policy 7.3 Designing out crime
 - Policy 7.4 Local character
 - Policy 7.5 Public realm
 - Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

- 5.6 The London Plan SPGs relevant to this application are:
- Accessible London: Achieving an Inclusive Environment (2004)
 - Housing (2012)
 - Sustainable Design and Construction (2006)

London Plan Best Practice Guidance

- 5.7 The London Plan Best Practice Guidance relevant to this application are:
- Control of dust and emissions from construction and demolition (2006)

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 1 Lewisham Spatial Strategy

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

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.

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 22 Sustainable design and construction

DM Policy 25 Landscaping and trees

DM Policy 27 Lighting

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Residential Standards Supplementary Planning Document (August 2006)

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, accessibility and materials.

- 5.11 Telegraph Hill Conservation Area Supplementary Planning Document (March 2008)

This document advises on the content of planning applications, and gives advice on external alterations to properties. It lays out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts, architectural and other details.

6.0 Planning Considerations

- 6.1 The main issues to be considered in respect of this application are the impact of the proposed extension on the character and appearance of the Telegraph Hill Conservation Area and on the amenities of adjoining occupiers.
- 6.2 On the first issue, the impact of the proposed extension on the character and appearance of the conservation area is limited by the fact that it is single storey and located at the rear of a terraced house. The rear garden is not located near a side road and is therefore not visible from the public realm.
- 6.3 The bay window on the side elevation of the back addition, which the Telegraph Hill Society cites as being an important part of the character and appearance of the Conservation Area is only visible from a small number of properties adjoining the application site. It has no protection under the Article 4 Direction which applies only to street elevations and front gardens in the Conservation Area. The removal or replacement of the bay window with a flush fitting window could therefore not be prevented, as this would be 'permitted development' in the case of dwelling houses. There are, in fact, many examples of this form of modification having been carried out to properties in the Hatcham and Brookmill Road Conservation Areas where bay windows on side elevations of back additions are also a characteristic feature.
- 6.4 Regarding the application in respect of 41 Gellatly Road, which is referred to by the Telegraph Hill Society and which related to a one bedroom flat in a converted house of similar style to the application premises, this was refused by the Planning Committee in December 2014. The reasons for refusal were as follows:

The proposed side extension, by reason of its height, depth and location would result in an overbearing, visually intrusive and bulky form of development for the neighbouring property at No. 39 Gellatly Road, resulting in an increased sense of enclosure. It is therefore contrary to saved Policies HSG and HSG 12 Residential Extensions of the adopted Unitary Development Plan (July 2004) and emerging DM Policy 31 Alterations and Extensions to existing buildings including residential extensions of the Development Management Local Plan Post Examination Modifications (June 2014).

The proposed courtyard, by reason of its small size and location would result in a poor outlook and level of light to the rear window of No. 41 Gellatly Road resulting in an unacceptable residential environment for future occupiers. It is therefore contrary to saved Policy HSG 12 Residential Extensions of the adopted Unitary Development Plan (July 2004) and emerging DM Policy 31 Alterations and Extensions to existing buildings including residential extensions of the Development Management Local Plan Post Examination Modifications (June 2014).

The proposed roof lights, by reason of their size and location would result in an unacceptable level of light overspill and consequent negative impact on the residential amenities of the occupiers of the upstairs flat at no. 41 Gellatly Road. It is therefore contrary to saved Policy HSG 12 Residential Extensions of the adopted Unitary Development Plan (July 2004) and emerging DM Policy 31 Alterations and Extensions to existing buildings including residential extensions of the Development Management Local Plan Post Examination Modifications (April 2014).

- 6.5 It will be seen that the loss of the bay window on the side elevation of the back addition and the impact of the proposed extension on the character and appearance of the Conservation Area was therefore not a reason for refusal. Indeed, the reasons for refusal relate to either the impact of the proposed extension on the amenities of adjoining residential accommodation or the poor quality of the proposed accommodation. In the case of the current application the latter does not apply as the property is not divided into flats and the occupiers therefore have the benefit of the first floor of the premises for their bedroom accommodation. It should also be noted that the applicant has made a number of important changes to the proposed extension which have taken on board many of the comments of the Telegraph Hill Society. For example, the extension is to be constructed in London stock brickwork in Flemish bond to match the original house. The proposed door openings will also use moulded cast lintels to match the original house. The rear elevation of the extension has been slightly set back to form a visual break with the existing back addition, allowing the plan form of the original house to be more easily read and appreciated. The high parapet wall to the rear elevation of the proposed extension has also been removed from the scheme and the area of glazing to the lean-to roof significantly reduced in area and replaced by a natural slate covering. However, some contemporary elements, such as the proposed aluminium framed doors in a black powder coated finish have been retained. Given the location of these on a ground floor rear elevation and their importance to the applicant in expanding the living area of the house into the garden, officers consider that it would be unreasonable to insist on a wholly traditional design.
- 6.6 In terms of the impact on the outlook on the amenities of adjoining occupiers, the proposed side extension at 2.4 metres in height is not considered to have an unduly harmful impact on the occupiers of No 30 Bousfield Road who have not objected to the proposed application. The Government have also recently introduced the principle of larger residential extensions as permitted development. Although these are not permissible in Conservation Areas, they would have the same impact on neighbour amenity whether or not they are located in a Conservation Area. This recent legislation allows extensions of up to 3m in height and (in the case of a terraced property) up to 6m in depth. Members are advised that the proposed extension is only slightly over 6m in depth and this would be likely to be a material consideration in the case of an appeal.
- 6.7 On the subject of disturbance resulting from light spillage from roof windows, it will be seen that the area of glazing to the lean-to roof has been reduced by approximately one third. It is also noted that the first floor window in the side elevation of the back addition of No 30 Bousfield Road serves a bathroom which is unlikely to be affected by glare. Although the first floor window on the rear elevation of the property most probably serves a bedroom, this could be fitted with a blackout blind if glare was an issue. Notwithstanding this, the applicants have stated that the rooflights, in addition to being obscure glazed to protect their own privacy as well as that of neighbours, would be fitted with blackout blinds. In the case of a recent planning appeal involving the development of garden land at 431 New Cross Road, planning permission had been refused under delegated powers for a number of reasons, one of which was that the development would be likely to give rise to glare and light spillage from a wholly glazed wall a short distance away from the rear elevation of the New Cross Road property. Although the appeal was dismissed, the Inspector did not find against the scheme on the latter issue and opined:

“The proximity of the proposal to No 431 and the large size of the proposed windows could result in additional light from the proposed dwelling causing annoyance to the occupiers of No 431. However I accept that most people have curtains or shutters which they would use to close out any unwanted light. As such it is unlikely that the proposal would result in unacceptable disturbance to the occupiers of No 431 through light pollution.”

‘I conclude that whilst light disturbance would not be a serious issue of concern, the proposal would have a detrimental effect on the living conditions of the basement occupiers of No 431 New Cross Road, with particular regard to noise.’

7.0 Conclusion

7.1 This application has been considered in the light of policies set out in the development plan and the Inspector’s decision dated December 2014 with respect to the specific issue of light spillage and glare in respect of a proposed development at No 31 New Cross Road.

7.2 Officers consider that the concerns of the Telegraph Hill Society with respect to impact on the character and appearance of the Conservation Area, outlook of adjoining occupiers and nuisance from glare and light spillage have been satisfactorily addressed in the proposed scheme as revised, which is accordingly recommended for approval.

8.0 **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: 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:

A0.100, A0.101, A1.100, A1.101, A1.102, A2.100, A2.101, A2.102, A3.100, A4.100a, A4.103a, A4.104a, A5.100a, A5.101a, A6.101a, Design and Access Statement 001, Heritage Statement 002

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

3. No new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

4. All new window (other than roof windows) and door openings shall be provided with external reveals, lintel detailing and sills to match those originally provided on the existing building.

Reason: To ensure that the 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 of the Core Strategy (June 2011) and Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

5. No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, 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. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

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Committee	PLANNING COMMITTEE C	
Report Title	33 JERNINGHAM ROAD SE14 5NQ	
Ward	Telegraph Hill	
Contributors	Jan Mondrzejewski	
Class	PART 1	26 FEBRUARY 2015

<u>Reg. Nos.</u>	DC/14/87957
<u>Application dated</u>	13.07.14 [as revised on 05.02.15]
<u>Applicant</u>	Town Planning Bureau on behalf of Mr A Savoia.
<u>Proposal</u>	The change of use, alteration and conversion from a House in Multiple Occupation (HMO) comprising 10 rooms, 2 kitchens and 2 bathrooms, to provide 2 self-contained studio flats and 2 two bedroom self-contained maisonettes, together with the installation of replacement timber double hung sash windows to the front elevation, re-roofing in natural slate, the landscaping of the front garden and the construction of a new front garden boundary wall.
<u>Applicant's Plan Nos.</u>	1053-E.101, P.101 C (11/02/2015), 102 C (11/02/2015), SITE PLAN, BLOCK PLAN, CIL, SUSTAINABILITY STATEMENT, HERITAGE, PLANNING, DESIGN AND ACCESS STATEMENT
<u>Background Papers</u>	(1) Case File DE/57/33/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (Nov. 2014) (4) The London Plan (July 2011) (5) Telegraph Hill Conservation Area Supplementary Planning Document (March 2008)
<u>Designation</u>	Existing Use

OBSERVATIONS

1.0 Property/Site Description

- 1.1 No 33 Jerningham Road is a two storey plus basement semi-detached house of c1890 with a three storey back addition, located in the Telegraph Hill Conservation Area. The Conservation Area is subject to an Article 4 Direction which removes permitted development rights with regard to the alteration of street elevations and front gardens of dwelling houses. The property was originally built as a family house but has been in use as a House in Multiple Occupation (HMO), which is a Sui Generis use, for many years. The property comprises 10 rooms, 2 kitchens and 2 bathrooms.

The property has PVCu windows to the front elevation, a vehicular access and parking to the front garden and a fletton brick built front garden wall incorporating a vehicular access. The basement windows to the front of the property have been enlarged by lowering the cills and constructing a small lightwell in front of them. The roof, including that of the front bay window, was recovered some time ago in red concrete tiles and all decorative roof tiles and finials were probably removed at the time of this work. Although there is evidence of the property once having a tiled path this has been replaced with concrete. The front garden is mainly hard surfaced but has some soft landscaping including an olive tree.

2.0 Planning History

- 2.1 There is no record of planning permission having been sought for use of the property as a House in Multiple Occupation (HMO), however the property has been in this use for a number of years. The use is likely to be lawful by virtue of the passage of time and is a licensed HMO.
- 2.2 An application, submitted by the current applicant, for a rear roof extension at the premises was withdrawn in December 2015.

3.0 Current Planning Application

- 3.1 The application is an amended scheme for alterations and conversion to provide two self-contained studio flats and two self-contained two bedroom maisonettes. As originally submitted the application proposed 2, one bedroom flats and 1 two bedroom and 1 three bedroom self-contained maisonettes, together with the provision of bin stores to the front and a bicycle store to the rear.
- 3.2 In order to comply with the London Plan minimum unit and room sizes for residential accommodation, the proposed one bedroom flats were altered to one person studio units and the three bedroom flat to a two bedroom unit. The application was also altered to include the provision of replacement double hung timber sash windows to the front elevation, the closure of the existing vehicle access and the landscaping of the front garden. The latter will include a new front garden wall of appropriate design for this Conservation Area, a tiled garden path and more soft landscaping. Refuse and recycling bins will be stored in the passageway at the side of the property with a collection area adjoining the front entrance of the property. In addition, the roof of the property will be re-covered in natural slate, including fish scale cut slate to the bay window roof and with decorative terracotta ridge tiles and finials restored.

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.

Written Responses received from Local Residents and Organisations

4.3 One reply from the Telegraph Hill Society, objecting to the proposal on the following grounds:-

- 1) Although an HMO, the property can more easily be converted back to a dwelling house if left as an HMO rather than sub-divided into 4 flats.
- 2) If converted to self-contained flats, it is very unlikely that the property will be returned to dwelling house use.
- 3) DM Policy 3 states that the Council will refuse planning permission for the conversion of a single family house into flats unless it can be shown that the property is not suitable for family occupation by reason of poor environmental conditions or lack of suitable amenity space. These criteria do not apply in this particular street.
- 4) Concern about the loss of single family houses within the Telegraph Hill Conservation Area and the impact this will have on community infrastructure.
- 5) The proposed 3 bedroom unit is too small for family use.
- 6) Room sizes generally are sub-standard and do not provide good accommodation

(Letter available to Members).

The Amenities Society Panel

4.4 No comment.

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.

Additional 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.

London Plan (July 2011)

- 5.5 The London Plan policies relevant to this application are:
- Policy 3.4 Optimising housing potential
 - Policy 3.5 Quality and design of housing developments
 - Policy 3.8 Housing choice
 - Policy 3.9 Mixed and balanced communities
 - Policy 3.14 Existing housing
 - Policy 5.3 Sustainable design and construction
 - Policy 5.13 Sustainable drainage
 - Policy 5.18 Construction, excavation and demolition waste
 - Policy 6.13 Parking
 - Policy 7.1 Building London's neighbourhoods and communities
 - Policy 7.2 An inclusive environment
 - Policy 7.3 Designing out crime
 - Policy 7.4 Local character
 - Policy 7.5 Public realm
 - Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

- 5.6 The London Plan SPGs relevant to this application are:
- Accessible London: Achieving an Inclusive Environment (2004)
 - Housing (2012)
 - Sustainable Design and Construction (2006)

London Plan Best Practice Guidance

- 5.7 The London Plan Best Practice Guidance's relevant to this application are:
Control of dust and emissions from construction and demolition (2006)
London Housing Design Guide (Interim Edition, 2010)

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 1 Lewisham Spatial Strategy

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

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.

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

DM Policy 1 Presumption in favour of sustainable development

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 25 Landscaping and trees

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Residential Standards Supplementary Planning Document (revised 2012)

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

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

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

This document advises on the content of planning applications, and gives advice on external alterations to properties. It lays out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts, architectural and other details.

6.0 Planning Considerations

6.1 The main planning considerations which are relevant to the subject application relate to the principle of conversion, the standard of accommodation proposed, impact on the character and appearance of the Telegraph Hill Conservation Area and impact, if any, upon the amenities of adjoining residential properties.

Principle of Conversion

6.2 As the property comprises 10 bedrooms and communal facilities, it is classed as a Sui Generis HMO and not as a C4 HMO (where the number of persons accommodated must not exceed six). Unlike a C4 HMO, a Sui Generis HMO has no permitted development right to change to C3 use as a single family dwelling house. It would therefore not be appropriate in this case to apply DM Policy 3 Conversion of a single family house to two or more dwellings, as the property is not a single family house and has no permitted development right to be reinstated as one without planning permission.

6.3 DM Policy 6 Houses in multiple occupation, affords a degree of protection to sui generis HMOs where these are considered to provide a satisfactory standard of accommodation for those who need shorter term, relatively low cost accommodation.

6.4 This would apply to the self-containment of the accommodation unless the existing floorspace is reprovided to an equivalent or better standard. The property appears to be well maintained and many of the bedrooms, where these were the main living rooms/bedrooms of the original house are large.

6.5 However, the smallest habitable room on the second floor of the back addition (Room 9) is just under 10sqm in area and is therefore below the minimum size for a double bedroom as set out in the London Plan Housing SPG. As with many older HMOs, WC/bathroom facilities are shared and the communal kitchens are small for the number of persons occupying the house and do not allow communal dining and social interaction among residents of the house.

6.6 For this reason, officers consider that a change of use to self contained flats can be considered acceptable in this case, subject to compliance with the Council's policies and standards relating to the adequacy of the accommodation.

Standard of Accommodation

- 6.7 The London Plan and the London Plan Housing SPG sets out internal standards including minimum size and dimension requirements for habitable rooms in dwellings while DM policy 32 requires that *“accommodation should be of a good size, a good outlook, with an acceptable shape and layout of room”*.
- 6.8 The scheme as originally submitted was identical to one approved by the Council in July 2011 in respect of a nearby property at No 37 Jerningham Road. This property was also formerly an HMO. This was approved under the now superseded UDP policy HSG 9 on residential conversions which required that the property have a floor area in excess of 130sqm and contain at least one unit suitable for family occupation. The scheme at No 37 Jerningham Road was considered to satisfy these requirements and planning permission was granted.
- 6.9 Although No 33 Jerningham Road appears to be the same size as No 37, the submitted floor space measurements showed that the proposed one bedroom units at this property which measured 41.5sqm and 42.5sqm were both under the minimum size (50sqm) for one bedroom flats as set out in table 3.3 of the London Plan. However, both units comply with the minimum size for one person accommodation (37sqm) and have therefore now been altered to studio units. The proposed maisonettes at 70.1sqm and 78.5sqm respectively, are compliant with the minimum size for two bedroomed flats.
- 6.10 As the provision of sound insulation between units has been a requirement of the Building Regulations for some time, the refusal of planning permission on the grounds of poor stacking between units, as suggested by the Telegraph Hill Society, is not considered justified.

Design and Conservation

- 6.11 As originally submitted the proposed development did not include alterations to the external facades of the building. The application has been subsequently amended to include the provision of replacement double hung timber sash windows to the front elevation, the closure of the existing vehicle access and the landscaping of the front garden. The latter will include a new front garden wall of appropriate design for this Conservation Area, a tiled garden path and additional soft landscaping. Refuse and recycling bins will be stored in the passageway at the side of the property with a collection area adjoining the front entrance of the property. In addition, the roof of the property will be recovered in natural slate, including fish scale cut slate to the bay window roof and with decorative terracotta ridge tiles and finials restored.

Unlike the proposed development at No 37 Jerningham Road, which had a neutral impact on the character and appearance of the Conservation Area, the current proposal will secure an enhancement.

- 6.12 Members are advised that the conversion scheme at 37 Jerningham Road is currently the subject of enforcement action to secure the reinstatement of timber double hung sash windows to the front elevation of the building following the unauthorised installation of PVCu replacement windows. In the case of the current property, the application includes proposed works of enhancement to the front of the property. It is proposed that these are the subject of planning conditions.

- 6.13 It is also noted that the subject application was reviewed by Council's conservation officer who welcomes the proposed positive changes to the property frontage.
- 6.14 The proposed external alterations are considered to be of a suitable design and are in keeping with the setting of the property within the Telegraph Hill Conservation area.

Impact on Adjoining Properties

- 6.15 The proposal involves no extensions or significant alterations to the side and rear elevations of the property and will have no detrimental impact on the amenities of adjoining occupiers.

7.0 Local Finance Considerations

- 7.1 The proposed development is not CIL liable as no new floorspace is proposed.

8.0 Conclusion

- 8.1 Officers consider that the proposed sub-division of this Sui Generis HMO into self contained flats is not contrary to current Council policy and will provide an improved standard of accommodation.
- 8.2 The internal standard of the proposed residential accommodation is acceptable, the proposed development will have no detrimental impact on the amenities of adjoining occupiers and the proposed external alterations to the front of the property will enhance the character and appearance of the Telegraph Hill Conservation Area.

9.0 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: 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:

1053-E.101, P.101 C (11/02/2015), P.102 C (11/02/2015), SITE PLAN, BLOCK PLAN, CIL, SUSTAINABILITY STATEMENT, HERITAGE, PLANNING, DESIGN AND ACCESS STATEMENT

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. i) Notwithstanding the information submitted, no development shall commence on site until detailed drawings and particulars/samples of the proposed treatment to the front garden including the tiled path and the front garden wall to the front garden have been submitted to and approved in writing by the local planning authority.

ii) The development hereby approved shall not be occupied until the works to the front garden have been carried out in accordance with the permitted details.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policies DM 25 Landscaping and trees, DM 30 Urban design and local character and DM 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 of Development Management Local Plan (November 2014).

4. The development hereby approved shall not be occupied until the existing vehicular access onto Jerningham Road has been closed and the highway reinstated in accordance with the permitted plans.

Reason: To ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with Policies 14 Sustainable movement and transport, 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policies DM 30 Urban design and local character and DM 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 of Development Management Local Plan (November 2014).

5. No plumbing or pipes, including gas pipes but excluding rainwater goods, shall be fixed on the external faces of the building.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

6. The flats and maisonettes hereby approved shall not be occupied until the following works have been implemented in accordance with Plan No 1053-P.102.

a) Re-covering of the roof of the property in natural slate with 'fish scale' detailing to the roof of the front bay window and reinstatement of terracotta ridge tiles and finials

- b) The reinstatement of double hung timber sash windows to the front elevation of the property.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policies DM 30 Urban design and local character and DM 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 of Development Management Local Plan (November 2014).

- 7.
 - (a) A scheme of soft landscaping (including details of any trees to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
 - (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character 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. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.



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