

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 17 DECEMBER 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)
Olurotimi Ogunbadewa (Vice-Chair)
Brenda Dacres
Suzannah Clarke
Maja Hilton
Simon Hooks
Ami Ibitson
Helen Klier
John Paschoud
Jamie Milne**

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
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 8 December 2015**

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Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 17 th December 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 no 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	Date 17 th December 2015

MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 5th November, 2015.

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Committee	PLANNING COMMITTEE C	
Report Title	27 ROKEBY ROAD, LONDON, SE4 1DE	
Ward	BROCKLEY	
Contributors	Russell Brown	
Class	PART 1	17th December 2015

Reg. Nos. DC/15/91749

Application dated 10.04.2015

Applicant Mr L Ryan

Proposal The construction of a rear roof extension at 27 Rokeby Road, SE4, together with the replacement of the rear bathroom window and the re-rendering of the front elevation of the property.

Applicant's Plan Nos. Site Location Plan; Block Plan Received 13th April

001; 002; 003; 012 Received 15th June

013 Received 20th June

Heritage Statement Received 3rd July

004 Rev A; 005 Rev A; 007 Rev A; 008 Rev A; 010 Rev A; 011 Rev A; 014 Rev A; 015 Received 17th September

016 Received 2nd October

006 Rev B; 009 Rev B Received 23rd October

017 Received 26th October

Background Papers (1) Case File DE/103/27/TP
(2) Core Strategy (June 2011)
(3) Development Management Local Plan (November 2014)
(4) London Plan (March 2015)

Designation Brockley Conservation Area

Screening N/A

1.0 Property/Site Description

1.1 The application property is a three storey, mid terraced property located on the north west side of Rokeby Road. There is a flat in the basement, which has a lightwell to the front and a separate entrance door, but the property is otherwise

undivided. The property faces the main building of Myatt Garden Primary School. To the rear the lower floor is at garden level, which backs onto the path to Luxmore Gardens.

- 1.2 There are no existing extensions to the rear roofslope of this terrace and neither has there been any granted planning permission that have not been implemented yet.
- 1.3 The property is in Brockley Conservation Area and is not subject to an Article 4 direction, but is not in the vicinity of a listed building. It is included within Character Area 2: Upper Brockley and Rokeby Roads of the Brockley Conservation Area character appraisal.
- 1.4 The road is unclassified and the site has a PTAL rating of 4.

2.0 Relevant Planning History

- 2.1 None.

3.0 Current Planning Application

- 3.1 Planning permission is sought for the construction of a roof extension to the rear roofslope to allow for the conversion of the loft space into a habitable room with a lowered floor.
- 3.2 It would measure 3.25m deep by 2.075m high by 4.8m wide and approximately 10cm from the party wall boundaries with no set back from the eaves. It would have a flat zinc roof and two sets of full height double glazing to its north west face. One of which would act as an angled skylight set within a grey powder-coated aluminium frame over the proposed internal staircase and the other would be a folding / sliding window also set within a grey powder-coated aluminium frame. Below this would be a stone cill and to either side of the roof extension, a zinc-clad parapet wall and gutter underneath the skylight. The rear elevation would also feature a re-aligned vent pipe.
- 3.3 Also proposed is the installation of a replacement timber sash bathroom window measuring 1.55m high by 98.5cm wide to the rear elevation at first floor level.
- 3.4 The existing rendered elements of the front elevation of the property would also be re-rendered and finished in white paint.

4.0 Consultation

- 4.1 No pre-application advice was sought.
- 4.2 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 A site and a public notice were displayed and letters were sent to four adjoining residents, Brockley Ward Councillors and Brockley Society.

Written Responses received from Local Residents and Organisations

4.4 The Council's Conservation Officer objected to this application on the following grounds:

- The full width rear dormer extension would introduce a flat roof, completely altering the form and scale of this simple roof. Full width dormer extensions are not acceptable in conservation areas, as they completely alter the basic shape of the roof form. The bulk and mass of this scale of change to the roof form would result in an imbalance between the rest of the terraces and would create a visually heavy roof to one house. At present this dormer would dominate the rear, but it should instead be subservient to the main building as well as enhancing its original features and architecture. The application property is the first one on this development to propose a roof extension and as such, it would interrupt the consistent roofscape of these properties.
- The proposed rear full width roof extension does not respect the scale, materials or continuity of the main house. The windows and materials should be in keeping with the rest of the house and should be subservient to the lower level windows in scale and design. The proposed windows or 'vertical glazing' is 1.9m high, and 'sloped glazing' would completely dominate this roofscape when viewed from Cheshire Close and the park to the rear of the property. To have this entire roofslope glazed is unacceptable, it is entirely out of keeping and it is poorly considered.
- The variations of the roof pitch, and the newly created flat roof create a complicated feature on this otherwise simple roof form.
- There is some ambiguity regarding the material details for the proposed rear roof dormer and they have not been sufficiently provided. The colour, material and detailing would be very noticeable, and would stand out against the uniform rear facades, and would appear very stern and hostile.
- The material for the flat roof, the cheeks of the new extension, the material to be used in-between the sloped and vertical pitch is not clear shown, and has not been provided. The Heritage Statement states that 'existing roof tiles will be used wherever possible, however where new tiles are required they will resourced to match the existing'. Materials must be provided, as the promise for something acceptable is not sufficient.
- No existing or proposed roof plan has been provided.
- The sections provided do not sufficiently articulate the proposed pitches and how they will meet or be treated. It is not understood how these changes will affect the neighbouring roofscapes, especially the raised height and guttering.
- There is no mention of how the chimney stacks will be treated. There is no detail on how these chimney stacks will be managed or how they be changed as a result of this proposal.
- The proposed front elevation does not show the where the paint and rendering will be applied. There is also no material information or sample provided to show the colour and gloss of the paint, or of the render proposed.
- There are no elevations or sections of the proposed glazing to the rear elevation.
- The proposed window elevation does not show horns to the external elevation of the window.
- There is also a strong concern that the introduction of a full width roof extension at the above property would inevitably set a precedent.

"It is considered that the introduction of a large and visually prominent addition to the roof of 27 Rokeby Road and will upset the pattern of the existing roofscape, and would create a visual imbalance that would result in unacceptable harm to the appearance the local historic streetscene on Rokeby Road. Moreover, the new

extension would introduce an incongruous feature into the consistent form and scale of the roofscape of the Brockley conservation area.

The Brockley Conservation Area Supplementary Planning document states that: 'Roof extensions are usually acceptable if they are designed in keeping with the style of the house. One or two small lead- or zinc-clad dormers with a small sash or casement window may be acceptable on the rear roof slopes, but large, bulky extensions using modern materials are not.'

There is no objection to the principle of a dormer to this property, however because this proposal would create such an un-sensitive [sic] and bulky extension to this historic roof plane which would be visible from the public realm, a strong objection must be raised.

The proposed development would harm the Conservation Area. The NPPF advises that "a clear and convincing justification" is required (Paragraph 132). In this case, the harm to the Conservation Area may be considered "less than substantial" and in such cases the NPPF advises (Paragraph 134) that the "harm should be weighed against the public benefits of the proposal". The proposal is also contrary to Policy 16 of the Lewisham Core Strategy, 20011 and Policy 36 of the Development Management Local Plan, 2014. It is considered that the proposal in it's current form does not outweigh the harm caused to the heritage asset (the Conservation Area, or this group of historic terraces), and refusal of the current application will not preclude the ongoing viable use of the building."

- 4.5 The Brockley Society also objected to the roof dormer extension and skylight over the stairs for the following reasons:
- There is no precedent for this in Rokeby Road.
 - As recognised in the applicant's Heritage Statement, the long residential terrace of Rokeby Road is unique with a continuous roofline that has remained unaltered since first being built in the mid-1840s.
 - This uniqueness is emphasised as the entire roofscape can be seen from Luxmore Gardens and, as such, is a key element in setting a standard for the character of the Conservation Area and by giving it a rare and strongly visible sense of definition at the edge of its north western boundary.
 - The proposal thereby would become an unwelcome visual intrusion into this hitherto unchanged conservation asset and would as detailed set a very poor and damaging precedent if accepted.
 - This roofscape therefore needs to be protected by the firm rejection of the proposals.
 - The Society recommends that an extension to the current Article 4 Direction should be broached to expressly include and protect the entire Rokeby Road roofscape.

However, they were of the opinion that the proposed use of timber replacement double hung sash windows to the rear elevation is acceptable in principle provided that the following points of detail are taken into account:

- The timber must be sourced from renewable and sustainable sources in accordance with Forest Stewardship Council standards, be of durable quality with pre-treated and pre-painted European softwood for frames, casings and mouldings with selected European hardwood for cills and their manufacture, assembly and installation to be in accordance with Timber Research and

Development Association and British Woodworking Federation standards and practice.

- A pre-fitted tilting facility is acceptable in each case only if child proof fastenings / restrictors are fitted.
- Integral weatherstrips are deemed to be included.
- 'Swept heads' are to be factory shaped and fitted to match existing profiles
- Brick reveals are expected to have been retained as original together with rebates for reuse to permit design, glazing and opening pattern of windows to be replicated to match the Conservation Area Policy standard to be achieved for the property as when first built.

Amenity Societies Panel

4.6 ASP strongly objected to the dormer and rooflight which are visible from public viewpoints. The Panel also objected to the replacement windows due to lack of detail such as the horn detail and queried the lack of a proposed roof plan.

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 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, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2015). 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 that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect.

This states in part that ‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

- 5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

- 5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan (March 2015)

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together 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 Plan

- 5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development
DM Policy 30 Urban design and local character
DM Policy 31 Alterations/extensions to existing buildings
DM Policy 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 (Updated 2012)

- 5.9 Paragraph 6.7 (Roof Extensions) states that all roof extensions should be sensitively designed to retain the architectural integrity of the building. The following design principles should be used to achieve this:
- All roof alterations should be successfully integrated with and preserve the architectural character of the building, and be subordinate to the principal elevations.
 - Planning permission is always required for roof additions in Conservation Areas.
 - The type and style of windows used should be similar to those used in the main elevations and reflect their alignment.
 - For Victorian and Edwardian buildings, particularly in Conservation Areas box dormers occupying a whole roof slope are unlikely to be permitted.
 - Roof extensions, including dormer windows, to the front and side elevations will be resisted in favour of roof lights set into the roof slope.
 - Larger roof extensions should be located on the rear elevations in order to protect the front and side elevations from substantial alteration.
 - Rear roof extensions should be set back a minimum of one metre behind the lines of eaves and a minimum of 500mm from the gable, flank or party wall boundary.
 - Roof extensions will not be permitted where any part of the extension will be above the height of the ridge of the main roof.
 - Roof extensions should be set back into the roof slope and not be formed by building up external walls.
 - The materials used for roof extensions and dormers should be compatible with the existing roof material in order to be unobtrusive and blend into the roof slope. Preferred materials are natural or simulated slates, clay tiles, zinc, lead or copper as appropriate with fascia boards in painted timber or hardwood.
 - In Conservation Areas appropriate materials should be used which preserve or enhance the character of the Conservation Area. Consideration should be given to reinstating the original type of roof covering wherever possible.
 - Roof extensions to Listed Buildings will be considered each on their merits, but are unlikely to be approved if they harm historic roof structures and the overall special architectural or historic interest of the listed building.
 - Roof lights should be fitted flush with the slate or tiles of the roof and their number on front roof slopes should be kept to the minimum necessary in order to avoid clutter.

Brockley Conservation Area Supplementary Planning Document (December 2005)

- 5.10 This document advises on the content of planning applications, and gives advice on external alterations to properties. It sets 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 and architectural and other details. It also sets out detailed guidance on the limited development that may be acceptable within Brockley Mews - mainly within Harefield Mews.

6.0 Planning Considerations

- 6.1 The relevant planning considerations are the impact of the proposal on the character and appearance of the existing building, on the Brockley Conservation Area and on the amenities of neighbouring occupiers.

Design and conservation

- 6.2 Paragraph 63 of the NPPF states that ‘in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area’. Paragraph 131 states that ‘in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.
- 6.3 Core Strategy Policy 8 states that the Council supports and encourages the retrofitting of energy saving and other sustainable design measures in existing housing and other development.
- 6.4 Core Strategy Policy 15 states that 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.
- 6.5 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough’s heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and Historic England best practice.
- 6.6 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. An adequate response to how the scheme relates to the existing street including its building frontages will be required including:
- The creation of an urban form which contributes to plot widths, building features and uses, roofscape, open space and views, panoramas and vistas, taking all opportunities for enhancement.
 - Height, scale and mass should relate to the urban typology of the area.
 - The quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development, and the reasons for the choice should be clearly justified in relation to the existing built context.
 - A statement describing the significance of heritage asset, including its setting will be required for proposals that impact on such an asset.
- 6.7 DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.

- 6.8 DM Policy 36 states that the Council will require a statement that describes the significance of the asset and its setting and an assessment of the impact on that significance for development proposals affecting heritage assets. Also required is clear and convincing justification if the significance of an asset may be harmed or lost through physical alteration or destruction, or development within its setting. The Council encourages the retention and thermal upgrading of historic windows. The Council will not grant planning permission where:
- a. new development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials; or
 - b. development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the Conservation Area.
- 6.9 Officers are aware that the proposed rear roof extension does not comply with paragraph 6.7 of the Residential Standards SPD as it would not be set back from the eaves at all nor sufficiently set in from the party wall boundaries (it falls 40cm short of the latter). As such, it would not be subordinate to the rear elevation. However, the present design is considered acceptable by Planning and Urban Design Officers, despite concerns raised by the Conservation Officer and the Brockley Society, for the reasons laid out below.
- 6.10 It is the modern, high quality design and materials that make a rear roof extension of this scale acceptable. This stance is backed by the Council's Core Strategy Policy 15 that applies national and regional policy and guidance to ensure highest quality design, the Development Management Local Plan Policy 30 that requires all development proposals to attain a high standard of design, Policy 31 that requires alterations and extensions, including roof extensions, to be of a high, site specific, and sensitive design quality and Policy 36 that states that planning permission will not be granted where extensions to existing buildings are incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.11 It is acknowledged that the type and style of windows proposed would not be similar in design or style to that of the existing building and that concerns have been raised by the Conservation Officer in this regard. However, the use of glass is considered to be an appropriate use of a modern material that would not offend the existing materials of the building and would represent a high quality design. This is also the view of Council's Urban Design Officer, who has recommended that further details be sought regarding the joining of the extension to the rear roof slope at the ridge line. Details were subsequently submitted and deemed sufficient.
- 6.12 This design is considered acceptable, subject to delivery in accordance with the plans. The suitability of the design relies on the materials being contemporary, which is the case.
- 6.13 Whilst the ceiling height is enlarged in the loftspace by dropping the ceiling height of the first floor bathroom, no objection is raised by Officers since the roof extension is lower than the highest part of the roof and the applicant is satisfied with an internal head height of 2.15m in the loftspace.

- 6.14 The extension to the rear roofslope would be visible from the public realm, which in this case would be Luxmore Gardens. As the application property would be the first to introduce a rear roof extension on Rokeby Road, it would therefore affect the uniformity of the roofscape of the terrace, but given the high quality detail and materials it is not considered that it would have an adverse impact on the Brockley Conservation Area as long as it is delivered to the high standard that is demonstrated in the plans. Officers support the extension of residential properties in principle in order to allow Lewisham residents to improve their home and it would unreasonably fetter development were this particular application to be refused.
- 6.15 The design, form and materials proposed for the rear roof extension and the other elements of this proposal are considered to be a high quality and appropriate response to the site's context and would not harm the character or appearance of the main dwellinghouse or the Brockley Conservation Area. Therefore, the proposal complies with Core Strategy Policies 8, 15 and 16 and DM Policies 30, 31 and 36.

Impact on the amenity of neighbouring occupiers

- 6.16 Core Strategy Policy 15 for Areas of Stability and Managed Change states that any adverse impact from small household extensions on neighbouring amenity will need to be addressed.
- 6.17 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.18 It is considered that there would be no impact from the proposal on the amenities of neighbouring properties to the side and rear of the subject property in terms of levels of sunlight, daylight, outlook and noise.
- 6.19 However, it should be noted that the rear roof extension would overlook surrounding properties, although there is an existing situation of overlooking due to the presence of rear windows on lower floors and the proposed replacement window would be fitted into an existing opening. As such, it is considered that the proposal would not result in a perceptible loss of privacy.
- 6.20 As regards the proposed replacement first floor bathroom window there would be no perceptible impact on the levels of sunlight, daylight, outlook, privacy and noise currently experienced by neighbouring properties as it would be fitted into an existing opening.
- 6.21 Therefore, the proposal is considered to have an acceptable impact on neighbouring amenity.

Equalities Considerations

- 6.22 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.

- 6.23 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.24 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.
- 6.25 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.26 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 6.27 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 6.28 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.

7.0 Conclusion

7.1 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2015) and the National Planning Policy Framework (2012).

7.2 It is considered that the design, form and materials for the proposal are appropriate and would preserve the character and appearance of the property itself and the Brockley Conservation Area, without impacting adversely on residential amenity.

8.0 RECOMMENDATION: GRANT PLANNING 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 retained strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

Site Location Plan; Block Plan Received 13th April

001; 002; 003; 012 Received 15th June

013 Received 20th June

Heritage Statement Received 3rd July

004 Rev A; 005 Rev A; 007 Rev A; 008 Rev A; 010 Rev A; 011 Rev A; 014 Rev A; 015 Received 17th September

016 Received 2nd October

006 Rev B; 009 Rev B Received 23rd October

017 Received 26th October

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

3) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, no plumbing or pipes, other than those shown on the approved drawings shall be fixed on the rear roof extension.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to ensure that the scheme is delivered as designed and to accord with Policy 15 of the Core Strategy (June 2011) and DM Policies 30 and 31 of the Development Management Local Plan (November 2014).

- 4) No development shall commence on site until samples of all external materials and finishes to be used on the rear roof extension have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building 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).

INFORMATIVES

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.

The applicant is advised that any works associated with the implementation of this permission will constitute commencement of development. Furthermore, the pre-commencement condition attached to this permission must be discharged, by way of a written approval in the form of an application to the Local Planning Authority, before any such works take place.

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27 Rokeby Rd, SE4



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Committee	PLANNING COMMITTEE C	
Report Title	122B Drakefell Road, London, SE14 5SQ	
Ward	Telegraph Hill	
Contributors	Simon Vivers	
Class	Part 1	17 December 2015

Reg. Nos. DC/15/90865

Application dated 09 February 2015

Applicant Mr David Boswell

Proposal The installation of double glazed timber framed windows to the front elevation of 122B Drakefell Road, London SE14

Applicant's Plan Nos. Site Location Plans, Photographs (received 9 February 2015), Heritage Statement (received 23 March 2015), Drawings for David Boswell - 122B Drakefell Road Rev A pages 1 - 9 (received 7 July 2015).

Background Papers (1) Case File DE/46122/TP
(2) Core Strategy (Adopted June 2011) and Development Management Local Plan (adopted November 2014)

Designation PTAL 3
Telegraph Hill Article 4(2) Direction
Telegraph Hill Conservation Area
Not a Listed Building
C Road

1.0 Property/Site Description

- 1.1 The application relates to the ground floor flat of a three level terraced property located on the southern side of Drakefell Road, SE14. The property is divided into three separate units. This application relates to the ground floor flat, 122B.
- 1.2 The front elevation of the host building contains bay windows at all floor levels. At the ground floor flat, these windows are timber framed and single glazed sliding sash. Original windows at the front elevation of the flats at lower ground floor and first floor have been replaced with UPVC.
- 1.3 The front elevation windows of the ground floor flat include timber panels at their base which are approximately 30cm high. These panels are also included within the bay window of the adjacent ground floor flat at 124 Drakefell Road. No other properties within the street include such panels.

1.4 The site is located within the Telegraph Hill Conservation Area and its Article 4 Direction area. Drakefell Road sits within the Conservation area from Kitto Road to the east and Wallbutton Road to the west. The street predominately consists of original windows, or replacement windows which reflect an original form.

2.0 Planning History

2.1 DC/12/80844: Planning application for the installation of one replacement double glazed box sash window at first floor level in the rear elevation of 122B Drakefell Road, SE14 (planning permission granted 15th October 2012).

2.2 DC/13/84130: Planning application for the installation of two replacement timber sliding sash double glazed windows in the rear elevation of 122B Drakefell Road, SE14 (planning permission granted 15th October 2013).

2.3 There is no planning history relating to the timber panels in the ground floor windows or the replacement UPVC windows at lower ground floor and first floor levels on the front elevation.

3.0 Current Planning Application

3.1 The application seeks approval for the replacement of three single glazed timber framed windows at the front elevation with double glazed timber framed sliding sash windows. The windows form a bay window, with a large middle window and smaller windows to the side.

3.2 The proposal seeks to retain the timber blanking panel at the base of each window.

4.0 Consultation

4.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.2 Adjoining occupiers, The Telegraph Hill Society, the Amenity Societies Panel and Telegraph Hill ward Councillors were notified. A Conservation Area site notice was also displayed.

Written Responses received from Local Residents and Organisations

4.3 No responses received.

Written Responses received from Statutory Agencies

4.4 No responses received.

5.0 Policy Context

Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

London Plan (March 2015)

- 5.5 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4	Local character
Policy 7.6	Architecture
Policy 7.8	Heritage assets and archaeology

Core Strategy

5.6 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 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

5.7 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

- 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)

5.9 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

6.0 Planning Considerations

6.1 The main planning considerations for this application are:

- a) the design and its impact on the host building and the character and setting of neighbouring buildings and conservation area; and
- b) impact that the proposal has on the amenity of adjoining occupiers.

Design

6.2 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable

development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

- 6.3 In respect of determining planning applications relating to heritage assets, NPPF paragraph 131 advises that:

“local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.”

- 6.4 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30 and 31, seeks to apply these principles. The Council’s Residential standards SPD provides officers with further detailed guidance to apply to such residential proposals.

- 6.5 DM Policy 30 supports the Core Strategy as it sets out detailed principles to support good urban design in the borough and the Council will require alterations to existing buildings to attain a high standard of design. The policy also addresses detailed design issues and states that planning applications must demonstrate the creation of a positive relationship to the existing townscape to preserve an urban form which contributes to local distinctiveness, such as building features. Furthermore, building materials used should be of high quality and either match or complement the existing development.

- 6.6 DM Policy 31 sets out more specifically how to achieve good quality alterations to existing buildings and states that proposals for alterations will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features. It further states that replacement windows where controllable by the Council should closely match the pattern of the original windows.

- 6.7 DM Policy 36 states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving and or enhancing their character and or appearance, will not grant planning permission where alterations and extensions to existing buildings are incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials. This policy also notes that development which in isolation would lead to less than substantial harm but which would cumulatively affect the character and appearance of the conservation will not be approved.

- 6.8 The special interest of the area derives from the attractive detailing of the houses and the sense of group identity provided by the use of common design elements and a limited palette of materials. In Drakefell Road, the full-height canted bay windows and paired entrance doors provide a strong rhythm to the streetscene. Windows of properties in the street are

predominately original, or are replacement windows which reflect an original form.

- 6.9 Opening and window types were originally of consistent height, form and type. The vertical sliding sash window, originally of a two-over-two pattern, are the norm. At No. 122b, the format has been changed some time in the past to provide smaller sash windows to the upper ground floor windows, inserting a solid bottom timber panel to the opening. This has no historic precedent and makes the windows look at odds with the openings at upper floor level and with the windows of the neighbouring properties, such as Nos. 118 & 120, which have retained their original openings.
- 6.10 Houses of this period and status also had traditionally the largest windows to the upper ground floor, because these retained the main reception rooms, and it looks particularly out of character to have this traditional arrangement reversed in the existing windows and their proposed replacement.
- 6.11 The Telegraph Hill Conservation Area was designated in 1990 and the Council introduced an Article 4 Direction to the area in April 2008, the purpose of which is to control small scale changes to the properties that affect the group value.
- 6.12 The subject property and the neighbouring property are observed to be the only two properties in the vicinity where timber blanking panels have been installed at the front elevation. The street scene is otherwise high quality and well preserved, particularly in terms of windows within the front elevation. Policy DM 36 seeks an enhancement where appropriate, in this case the restoration of the original window design to 122B, in order to deliver an enhancement to the character of the Conservation as a whole.
- 6.13 The proposal seeks to retain the blanking panels, which causes fundamental conflict with the Council's policies for the replacement windows at the front elevation of a property. The level of conflict is significantly increased given the proposal would cause harm to the Conservation Area, by diluting its special interest which is derived from the attractive detailing common to the properties in Drakefell Road.
- 6.14 The blanking panels do not have the benefit of planning permission and had an application been made to introduce these, it would not have been supported as they fail to respect the detailing of the original windows.
- 6.15 The panels are shown to have been in place for over four years and, together with the uPVC windows at lower ground floor and first floor level of the property, are therefore lawful.
- 6.16 Officers requested that the application plans be amended to indicate removal of the blanking panels to reinstate the original openings of the windows, which is considered necessary for the proposal to be policy compliant. Removal of the blanking panels would result in lowering of the internal windowsill from approximately 55cm to 25cm above the floor level.
- 6.17 The applicant has provided objection to this request, due to a concern over the increased overlooking and direct views which they feel would occur from

the street and the external stair landing, and a loss of safety through the establishment of a trip hazard when open.

- 6.18 It is noted that the pair of properties share a stair landing which sits higher than those of other properties in the vicinity. The panels are unlikely to prevent any overlooking from the landing, given they are positioned well below eye level of a person using the landing. In addition, it is considered that the number of people using the stairs is likely to be low and they are likely to move through the space rather than pause.
- 6.19 The living room facing the street would be subject to a degree of overlooking. Ground floor rooms of a property which face a street inherently experience a lower level of privacy than windows located on other elevations. This relationship would not be unusual for the street or in general.
- 6.20 Given the blanking panels are only installed at ground floor, it is considered that their inclusion would have been more related to amenity than hazard reduction. The applicants representations are noted, however the constraints are not unique, and it is considered that the risk could be managed through the internal design of the window sills.
- 6.21 Approval of this application would set an undesirable precedent for the insertion of panels in windows of properties which have a similar relationship to the street or which have a low internal windowsill height, and also encourage more general departure from the Council's objectives for replacement windows and alterations, whether or not situated within a Conservation Area.
- 6.22 As such, officers do not consider that the existence of these panels can justify their retention in the proposal which is contrary to relevant policies. The proposed windows are out of character with the property in question, and giving permission for the proposed replacement windows would perpetuate the harm caused by the existing windows. Moreover, approval would create an undesirable precedent with the potential to cause cumulative harm to the character and appearance of the Conservation Area.
- 6.23 The proposal is considered acceptable in terms of secondary details such as glazing thickness, window horn details and the use of timber material. In the event that the scheme is approved, these elements would not require modification.
- 6.24 In light of the above, the proposal as a whole is considered to be unacceptable with regards to design and impact on the Conservation Area.

Residential Amenity

- 6.25 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must therefore be demonstrated that proposed alterations are neighbourly and that significant harm will not arise with respect to overbearing impact, loss of

outlook, overshadowing, loss of light, loss of outlook or general noise and disturbance.

6.26 The proposal does not include the creation of additional windows. It is therefore not considered that the proposal would introduce any loss of amenity to neighbouring properties.

6.27 In light of the above, the proposal is considered to be acceptable with regards to neighbouring amenity.

7.0 Equalities Considerations

7.1 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.

7.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.3 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

7.4 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.

7.5

8.0 Conclusion

8.1 The proposed development is considered to be unacceptable with regards to design, would not respect the original detailing of the building and would have a negative impact on the character of the conservation area, and planning permission is therefore recommended to be refused.

9.0 RECOMMENDATION:

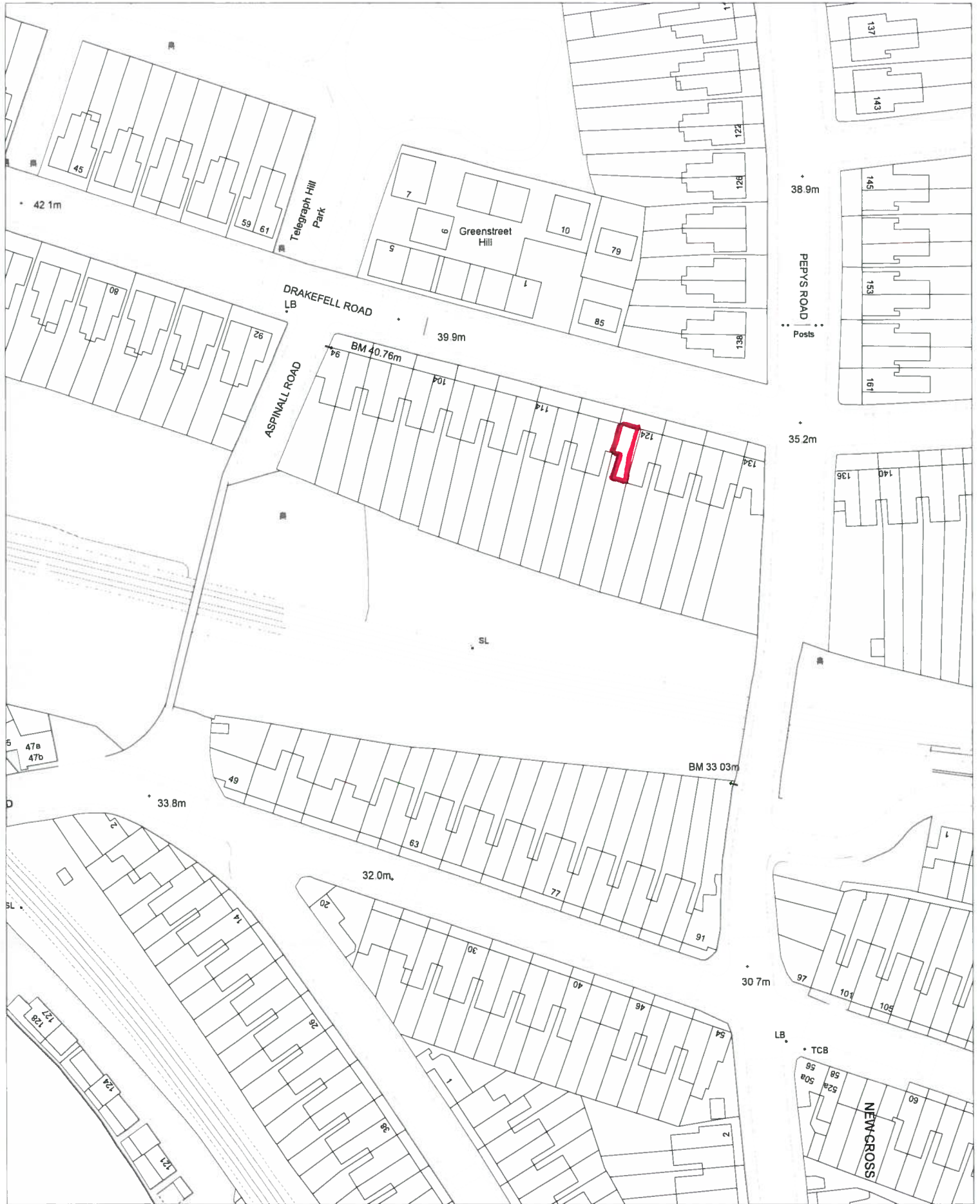
REFUSE PERMISSION for the following reason:-

1. By reason of the design failing to reflect the original window pattern due to the retention of a lower blanking panel, the proposed replacement windows would be an incongruous alteration, undermining the architectural characteristics of the host building, and would harm the character and setting of the neighbouring buildings and the Telegraph Hill Conservation Area, contrary to Policy 15 High Quality Design for Lewisham Policy 16 Conservation areas, heritage assets and the historic environment for

Lewisham of the adopted Core Strategy (2011), DM Policy 30 Urban Design and Local Character and DM Policy 31 Alterations and Extensions to Existing Buildings including Residential Extensions, 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 of the Development Management Local Plan (2014), and the Residential Standards SPD of the Local Development Framework (2012).

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122 Drakefell Rd, SE14



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