

MINUTES OF THE PLANNING COMMITTEE B MEETING

16 July 2020 at 7.30pm

Present: Councillor Gallagher (Chair), Councillor Anwar, Councillor Gibbons, Councillor Johnston-Franklin, Councillor Mallory, Councillor Muldoon, Councillor Openshaw, Councillor Sheikh, Councillor Smith

Apologies: Councillor Moore

1. Minutes

2. The minutes of the last meeting, 23 January 2020, are to be amended as to show that under Item 3- the land on the corner of Duncombe Hill, there was one abstention from the vote.

3. Declarations of Interest

No interests were declared.

4. 16 Manor Avenue, LONDON, SE4 1PD

The Part retrospective application was for the raising of the roof ridge by 150mm and construction of an extension to the rear roof slope at 16 Manor Avenue SE4, together with the replacement of the existing roof lights in the front roof slope with three conservation roof lights.

The Planning Officer presenting for this application stated the following.

Planning permission was granted in September 2015 for works to the roof, comprising of a roof extension on the rear roof slope and the re-installation of two roof lights. However the works were not carried out in accordance with the approved roofs plans as the roof ridge had been raised by 150mm, the front roof slope had been altered and an extra roof light had been installed. This resulted in an enforcement investigation, and ultimately the submission of this application.

The key planning considerations were, planning history and unauthorised development; Principle of Development; Urban Design and Heritage; and Impact on Adjoining Properties.

The combination of the raised ridge and change to the pitch of the roof contrasted with the adjoining properties and unbalances the roof scape, resulting in material visual harm to the property and the terrace to which it formed part. The Brockley conservation area character appraisal identifies the roof lights as a damaging element to the character, due to the additional visual clutter on plain roof slopes. The additional third roof light was not considered to make a vital contribution to the internal living conditions, as such, the visually intrusive impact of the additional roof light was not considered to be justified. Officers considered that the harm caused by the alterations to the roof would be exacerbated by the precedent established by the development and the potential of the erasure of the roof scape would arise from similar alterations by other properties. It was suggested that the development does improve the energy efficiency of the property but no evidence

was provided to substantiate this claim. Other methods of improving the energy efficiency of this building were possible but did not include the altering of the pitch of the roof.

In comparison to number 16, the roof ridge of 17 Manor Avenue had been raised by a similar amount of the conservation property, however, the pitch of the roof was not increased as a result of these works, and no roof light had been installed on the front roof slope.

The development was not considered to have any impact on neighbouring amenity, therefore planning permission was recommended for refusal for reasons set out in the committee report.

The addendum set out a response from an additional letter from the Brockley Society and also amended an error from the officer report which contained two photographs of the wrong property. The photographs in question had been inserted after paragraph 46 and were titled 'Photo 2. Front roof slope of No.17 Manor Avenue'. However, the photographs included within the report were of the application property No.16 Manor Avenue.

The letter from the Brockley Society showed support for Officers recommendation of refusal and reiterated that the existing positions and sizes of the front roof lights were not accurately reflected on the drawings. The inaccuracy of the drawings in relation to the roof lights was noted in the initial objection submitted by the Brockley Society and was also addressed at paragraphs 50-52 of the committee report.

The applicant and agent then gave a presentation and stated the following. There was a recommendation regarding the additional roof light from a planning officer at the time, who did not raise an issue with the addition so there was no intentional deviation from the plan. The raising of the ridge height was raised by 150mm under the advice of the building control officer at the time, which changed it from a cold roof construction to a warm roof construction. This improved the energy efficiency of that area, which is a large area of the building, by 40%. As a conservation area, the outside of the house cannot be insulated so to insulate the roof base was an efficient way to improve the energy efficiency.

In 2015, the applicant sought pre-planning advice and planning permission from Lewisham planning department and stated that no concern for the roof slope was shown. Planning permission was granted for many multiple roof lights in Brockley, including 3 roof lights for number 64 of the same street. During the build, the applicant was informed by the building inspector that for the building to pass certification and become legal, more insulation had to be installed and suggested a warm roof. 43 houses on Manor Avenue have installed insulation or height to their roofs. After installing the warm roof, they were awarded certification. The loft needed no heating, but ventilation was a problem, so following the advice of the Lewisham Planning Officer another roof light was installed as the neighbours had done. The applicant stated that the house is 5 storeys high and the difference is hard to see. In 2017, a new Planning Officer from Lewisham was not as collaborative and was difficult to communicate with. The applicant stated, they felt forced by the officer to reapply for the planning permission they had already received and declared the roof unlawful due to a joint being missing from the

drawing on the original application in 2015. The applicant had 15 letters of support from neighbours and no letters objecting. The applicant asked that Lewisham climate change response is considered when requesting that the insulation be removed. The additional height was added solely to accommodate the insulation of the building.

Councillor Adefiranye spoke in favour of the approval of the application. He stated that he met with the development team manager regarding the issue surrounding this application. He stated that the outcome of the meeting demonstrated the failure of the necessary officers in communicating effectively with the applicant- all requests for a meeting or dialogue with the officers were ignored. The planning regulations recommend that planning applicants should be giving the opportunity for negotiation, and this was not given.

He went on to say that the raising of the roof by 15cm was only performed based on the advice of the building control officer. This professional advice was given based on the fact that the building regulations state that the warm roof ought to be added, so it would be unfair to punish the applicant based on the advice they were given. As an authority, Lewisham should be committed to address the effect of climate change. Despite Brockley Society's objections, Councillor Adefiranye stated that the height difference would not make any distinct or offensive difference as compared with adjoining properties or even throughout Manor Avenue.

He furthered that the additional roof light is also a minor deviation. The was installed under the perception of a Lewisham planning officer who advised that this would not be an issue, as he stated in his email to the applicant. Councillor felt that it would be disproportionate sanction if the application were refused and enforcement was ensued.

Councillors expressed concern over the precedent that might be set over approving the application, but also felt it would be unfair to penalise the applicant for this and for the advice they received. Officers stated that it would be difficult to refuse similar applications in the future if the application were approved. Additionally, not all the properties would want to make such developments so there would be inconsistencies on the properties on the road. There is a conservation characteristic appraisal for Brockley which identified roof lights as a damaging element. Two roof lights were approved in 2015, which officers deemed to be adequate throughout the loft space, particularly given that the rear roof extension is also glazed, and officers could not see any justification for a third roof light.

The Planning Officer stated that if the application is refused then, it would be likely that enforcement action would be forthcoming by the Council if the applicant to not thereafter implement the approved scheme. He also advised the Committee that there is an open appeal case for a similar construction and that if the application were approved and this one refused, there would be a risk of being found to be inconsistent. He furthered that the application needed to be considered as a whole and not just singular elements such as the number of roof lights. He recommended that the Committee consider the harm to the character and appearance of the conservation area and if any harm is considered, that the environmental benefits are considered and it is questioned whether the benefits outweigh the harm to the conservation area.

Members agreed that if the Committee voted in favour of the application, planning officers would be delegated authority to attach such conditions to the planning permission as they consider to be necessary.

In response to the officer's suggestion of points for Members to consider, Councillor Smith moved an alternative recommendation that the Committee vote in favour of the application. He stated that the energy efficiency is not significant in this case and the proposed change does not cause physical harm as it is not visible from the street so does not detract from conservation area.

The Chair then called for a vote of the Councillor Smith's motion to approve the application. The Members voted 4 against the motion, 4 for the motion and 1 abstention.

The Chair then determined the casting vote and Councillor's Smith's motion fell.

The Chair then called for a vote in relation to the officer recommendation set out in the report to refuse the application. The Members voted 4 against the recommendation, 4 for the recommendation and 1 abstention. The Chair then determined the casting vote and the application was therefore refused.

5. Cedars 34 Sydenham Hill

This application was withdrawn from the agenda.