

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 8 OCTOBER 2020 TIME 7.30 PM**

PLACE: **MICROSOFT TEAMS VIRTUAL MEETING**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

Olurotimi Ogunbadewa (Chair)

Stephen Penfold (Vice-Chair)

Peter Bernards

Suzannah Clarke

Mark Ingleby

Silvana Kelleher

Louise Krupski

Paul Maslin

Jacq Paschoud

James Rathbone

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.

Kim Wright
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 29 September
2020

For further information please contact:
Claudette Minott Committee Officer
2nd Floor Civic Suite
Catford Road SE6 4RU

Telephone No: 0208 314 3417
Email: committee@lewisham.gov.uk



	Order Of Business		
Item No	Title of Report	Ward	Page No.
1.	Declarations of Interests		1 - 4
2.	Minutes		5 - 18
3.	21 Bousfield Road, London, SE14 5TP	Telegraph Hill	19 - 34

Committee	PLANNING COMMITTEE C	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 8 October 2020

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).

This page is intentionally left blank

Committee	PLANNING COMMITTEE C	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 8 October 2020

MINUTES

To approve the minutes of the meeting of Planning Committee C held on the 6 August 2020.

This page is intentionally left blank

**LEWISHAM COUNCIL
PLANNING COMMITTEE C
THURSDAY, 6 AUGUST 2020 AT 7.35 PM
MINUTES**

PRESENT: Councillor Olurotimi Ogunbadewa (Chair), Councillors Stephen Penfold, Jacq Paschoud, Peter Bernards, James Rathbone, Louise Krupski, Liz Johnston-Franklin, Hilary Moore, Lionel Openshaw.

APOLOGIES FOR ABSENCE: None received.

OFFICERS: Team Leader, Planning Officers, Head of Business and Committee and Committee Officer.

ALSO PRESENT: Legal Representative.

**Item
No.**

1 Declarations of Interest

Councillor Ingleby stated that he was a member of the Musicians Union.

Councillor Penfold advised that he chaired the public meeting in respect to Item 3 and, that he did not express any opinion at that meeting.

Councillor Kelleher stated that Item 5 was located in her Ward and, confirmed her constituents had not requested she object on their behalf, nor had she herself formed an opinion on the application.

2 Minutes

RESOLVED that the minutes of the meeting of the Planning Committee C held on 6 February 2020 and 15 July 2020 be agreed and signed as a correct record.

3 Brockley Social Club, 240-242 Brockley Road, London, SE4 2SU

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the demolition of existing social club at 240-242 Brockley Road SE4 and the construction of a part

four/part five storey building including basement comprising new social club with 9 residential units above (7 x 2 bedroom & 2 x 3 bedroom), together with the provision of bicycle and refuse stores, landscaping and amenity space, terraces and a pergola in the rear garden.

The Committee noted the report and that the main issues were:

- Principle of Development
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development
- Natural Environment

Following members' enquiries related to change to the use of the social club, balconies, parking, and height.

The Officer advised Members that planning permission would be required if developers wished to change the use of the social club. It was advised that the unit located on the first floor did not have a balcony, due to the flat's location above the external terrace and canopy for the social club. It was not considered appropriate to include a balcony on the side of the scheme, as it would appear incongruous. The Team Leader advised Members the architects present at the meeting, would be able to provide clarification.

The Officer confirmed that following the findings of the Parking Survey, a contribution would be secured towards a future Controlled Parking Zone (CPZ) consultation. It was advised the consultation would not necessarily guarantee a CPZ as the outcome. The Team Leader reiterated the Officers advice.

The Officer acknowledged that the proposed development would introduce a scale of development that was clearly greater than the existing two storey building. It was also acknowledged that the proposed five storey building would represent a significant change to the existing outlook from these properties. However, the separation distance to these properties were considered sufficient to prevent the impact from being overbearing, given that it would ensure that views either side of the site were retained. The Team Leader confirmed the architects would provide further clarification.

The agent, on behalf of the applicant addressed the Committee describing of the: layout of the scheme, height, flat roof instead of pitch, units, balconies, noise mitigation, daylight assessments, landscaping, the reduced footprint, green and blue roofs, leisure space, scheme colour, outlook assessment, parking and ecological improvement. The agent assured Members that the local authority's core policies had been met, consultations were detailed and the development design was supported by the local authority and the Brockley Society. The agent concluded by assuring Members the social club 'will survive'.

Members' enquiries that followed related to landscaping, cycle storage, solar panels and carbon emissions, balconies, and noise mitigation.

The agent confirmed there was a side path that did not appear to be gated. Its intended use would be for maintenance purposes. It was advised that this situation would be easily overcome by minor alterations to the planting and partitions. Members were assured further details regarding the proposed alterations would be secured as part of the landscaping condition. It was also confirmed that revisions would be secured to increase the space around the cycle stores.

The agent stated the intention would be to move away from the proposed gas boilers to be installed in the residential units. The agent advised an energy assessment had been submitted with the application approximately a year ago. The Officer confirmed that, a condition was also recommended to secure the details of the proposed photovoltaics (PV) installation, to ensure it achieved or exceeded the carbon emission reduction objectives specified in the assessment report.

The agent informed Members the proposed planting was appropriate to the landscape environment. It was advised the intention to keep the terrace small was deliberate, to prevent people overpopulating that space and generating noise. It was emphasised the canopy would also absorb noise, when users of the social club moved out onto the terrace.

The agent confirmed there was no balcony proposed above the canopy, due to aesthetics. Clarification regarding the location of the canopy was provided to Members. In addition, it was felt the canopy differentiated the social club from the residential accommodation.

The agent informed the Committee due to the current situation, the social club did not bother to re-apply for music license. It was confirmed in the future there would be live music. The agent advised

the developers would look at noise mitigation measures to protect the residential flats. The agent acknowledged the importance of noise mitigation efforts to protect the residents. The Officer confirmed condition 15 of the Management Plan could be approved by officers. This would enable the implementation of some of the noise mitigation measures recommended by the noise reports submitted to the local authority. The Officer also advised all residents prior to occupation would receive a welcome pack which would clearly outline that the property they would occupy, shared a building with a social club and that a degree of noise and other disturbance could be expected. The Team Leader advised the Committee that the Agent of Change principle placed the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development.

A representative addressed the Committee, advising that residents were opposed to the proposal because of concerns related to the overbearing visual impact, loss of daylight and sunlight, loss of privacy, parking, increased noise and disturbance, design and materials, disruption from construction, amenity space and the lack of affordable housing.

Member's enquiries related to density, height, family housing, viability, amenity space, the developer's intentions, air quality and, communities use.

The Officer advised due to the developments PTAL 4 rating, officers deemed the density of the scheme as appropriate.

The Officer compared the various development heights located in the local area. It was advised that the proposed building would therefore be appropriate and would not be out of character with the building heights within the local environment.

The Officer stated as the development was a 9 unit scheme, there were no requirements for family housing on this particular scheme. It was felt the provision of 9 residential units, which did include 2 family sized dwellings, would contribute towards the borough's housing requirement.

The Team Leader also provided clarification regarding the viability of the scheme. The Committee were advised there was no viability requirement since there was no requirement for the proposed development to include affordable housing.

The Team Leader assured the Committee that amenity requirements had also been met in accordance with the London Plan.

The Team Leader advised Members the intentions of the developer were not material to consideration Members were reminded to adhere to material considerations only.

The Officer confirmed that the scheme was developed with balconies or external terraces to address concerns with regard to air quality. The Officer also advised that the s106 agreement could be used to secure a minimum of 15 hours community access. This was not currently a requirement for the social club.

During the members' discussion, it was proposed the application should be granted with a condition that gas boilers were installed in the units as a last resort. It was agreed that officers would formalise the wording of the condition.

Earlier a Member lost their remote connection to the Committee meeting. The Member advised they would not be able to participate in the forthcoming vote on the planning application for item 3 on the Agenda.

Members voted on the recommendation in the report with a result of 7 in favour of the proposal and 1 against.

The Committee

RESOLVED

That it be noted that the Committee agreed to:

GRANT planning permission for the demolition of existing social club at 240-242 Brockley Road SE4 and the construction of a part four/part five storey building including:

- basement comprising new social club with 9 residential units above (7 x 2 bedroom & 2 x 3 bedroom), together with the provision of bicycle and refuse stores, landscaping and amenity space, terraces and a pergola in the rear garden.

Subject to conditions and informatives outlined in the report and,

A requirement that officers should:

- Add a condition requiring the implementation of gas boilers into the scheme, be a last resort measure after other options are considered.

The meeting was adjourned at 21.01pm and reconvened at 21.10 pm.

4 Woodelm Court, Devonshire Road, SE23 3LX

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for an application submitted under Section 73 of the Town and Country Planning Act 1990 for Minor Material Amendments in connection with the planning permission (DC/17/104524) granted on appeal (reference APP/C5690/W/18/3196082) dated 19 February 2019 for the erection of two storeys to provide 5 x 2 bed flats with associated parking and internal refurbishment works with works to the fabric of the building and the provision of a new lift at 123 Woodelm Court, Devonshire Road, London, SE23.

The Committee noted the report and that the main issues were:

- Application Type
- Principle of Development
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport

Following Members' enquiries related to cladding and disabled access.

The Officer advised the Committee that the development would not be cladding as originally intended, but brick.

The Officer confirmed there would be no ramp on the development, only stairs.

The Team Leader advised Members that as the Committee were bound by the Appeal decision, if the Planning Inspectorate considered the access to be acceptable when they granted planning permission in 2019, it was not possible to revisit this matter for Committee consideration.

The agent on behalf of the applicant addressed the Committee discussing the objections raised. The agent emphasised the height of the proposed development had been approved. The reason for the increase was to accommodate the relocation of the lift core. It was noted that in regard to concerns of the development being out of

character, the development was not located in the conservation area. The application site was currently in a 'poor state of repair'. This would be a chance for the developers to make improvements that the residents would be able to utilise. The agent advised Members it would be an opportunity to improve the overall environment for existing residents whilst adhering to planning approval.

Member's enquiries that followed related to materials and existing tenants.

The agent advised the Committee the material used to build the development would be brick and a non-wood cladding. The Officer and Team Leader reiterated the agent's advice.

The agent confirmed the existing tenants and leaseholders had been consulted and, would be secure in their respective tenures.

A representative addressed the Committee, advising that residents were opposed to the proposal because of objections to the consultation process, presentation images, loss of light, best practice guidelines, height and minor material amendments.

Member's enquiries that followed related to height and consultation. The Officer advised Members that all neighbouring properties were consulted and all relevant drawings made publically available via the local authority website. It was confirmed that re-consultation took place on the 2nd and 9th April, due to errors with the description and issues. All information was again publically displayed on the local authority website.

The Officer informed the Committee that the maximum height of the building would increase by 1.47m due to the lift core. The general increase in height of the building ranged from 0.6 to 1.47m.

The Team Leader advised Members that a minor material amendment was a matter of planning judgement for the local planning authority, as no strict case-law definition existed. Following the Planning Inspectorates decision, the proposed amendments were considered to be minor material in the context of the approved scheme and as such the application type was considered to be acceptable. Residents had been consulted on this matter.

During the members' discussion, it was highlighted that the Committee's previous refusal of the application had been overturned by the Planning Inspectorate.

A procedural motion without notice to proceed to a vote was proposed. The motion was successful, followed by the vote. The result of the vote was 7 in favour, 1 against and 1 abstention. After the vote, the Head of Business and Committees advised Members that a motion was proposed, but it was not clear what the vote might be for. The motion needed to be more substantive. A motion was then proposed explaining what the vote was for. The motion was successful. It was followed by the vote.

Members voted on the recommendation in the report with a result of 8 in favour of the proposal and 1 abstention.

RESOLVED

That it be noted that the Committee agreed to:

GRANT planning permission for an application submitted under Section 73 of the Town and Country Planning Act 1990 for Minor Material Amendments in connection with the planning permission (DC/17/104524) granted on appeal (reference APP/C5690/W/18/3196082) dated 19 February 2019 for the erection of two storeys to provide:

- 5 x 2 bed flats with associated parking and internal refurbishment works with works to the fabric of the building and the provision of a new lift at 123 Woodelm Court, Devonshire Road, London, SE23.

Subject to conditions and informatives outlined in the report. Standing Orders were suspended at 21.38pm.

5 Land At Rear Of 148, Deptford High Street, London, SE8.

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the construction of a two-storey 3-bedroom single-family dwellinghouse on land at the rear of 148 Deptford High Street, SE8.

The Committee noted the report and that the main issues were:

- Principle of Development
- Housing

- Urban Design and Impact on heritage assets
- Transport
- Living conditions of neighbours
- Sustainable development
- Natural environment

Following members' enquiries relating to height, fire risk and, loss of light.

The Officer confirmed the building would be less than 6m.

The Team Leader advised fire safety is not a planning issue. It would be a building control matter.

The Team Leader informed Members that the space affected by light was considered a non-habitable space. It was confirmed that the applicant had submitted an Internal Daylight Assessment. The Team Leader advised all habitable rooms would be provided with windows, and officers considered the levels of daylight and sunlight to be acceptable.

A Member lost connection to the meeting. The meeting was paused at 22.02pm. The Member telephoned into the meeting and was advised they would still be able to participate in the vote on Item 4 of the Agenda. The meeting was resumed at 22.04 pm.

A representative addressed the Committee, advising that residents were opposed to the proposal due to the impact on amenities, daylight, light and noise pollution, overlooking, privacy, enclosure issues, design, conservation, drawing inconsistencies, consultation, tree damage and fire risk.

The Members' enquiries following the address related to drawing inconsistencies, design, materials, enclosure, architect qualifications, heating and the possible deferral of the Committees decision.

The Team Leader confirmed that the plans met the requirements for validation purposes with regard to planning. It was advised that a condition on the decision notice that the development would be built strictly in accordance with the approved application plans, drawings and documents. The Team Leader noted Members concerns regarding design.

The representative reiterated concerns raised regarding tree issues, drawing inconsistencies and design stating the proposal was 'not a

competent design'. The representative also advised of maintenance concerns.

A Member lost connection to the meeting during Members enquiries. The meeting was paused at 22.29pm. The Member reconnected to the meeting at 22.33pm.

The Officer provided additional clarification advising of adding conditions that would ensure the quality of the materials were checked and provide tree protection. The Team Leader advised that the materials for the proposal were acceptable, high quality and policy compliant. The Team Leader also reminded Members that maintenance at the householder level, was not a planning consideration.

The Officer used the Committee presentation to provide clarification regarding the flat roof design in relation to the health of trees in close proximity to the development. The Officer reiterated the advice regarding conditions that could be added to ensure materials quality and tree protection.

The representative advised the Committee of the windows in his home that he felt would be affected by a sense of enclosure and overlooking, as a consequence of the development being built. The Team Leader advised Members that a daylight and sunlight assessment survey had been conducted. The Committee were informed that all habitable rooms would be provided with windows, and officers considered the levels of daylight and sunlight to be acceptable.

The Chair reminded the Committee to only consider material planning considerations.

The Team Leader stated that as the developer could install a communal air source heat pump without planning permission, a condition could be added to sustainability. It was advised that the qualifications of the architect was not a material planning consideration.

The Chair advised it was felt there was enough information provided by the officers for the Committee to make a decision.

The Team Leader informed Members that the application and the plans submitted were planning policy compliant. It was advised a

motion could be proposed to defer decision-making, provided firm reasons were provided to support the deferral.

During the Members discussion that followed the applicant's absence was noted and, consideration was given to deferring decision-making until the applicant was available to appear before the Committee. Members reiterated the concerns and objections raised by the representative such as design, materials, conservation area and the sense of enclosure.

Following further consideration by Members, it was proposed that planning permission be refused on the grounds of design, materials and context. It was agreed that the officers would formalise the wording for the reasons for refusal. The proposal to refuse planning permission was seconded. The Team Leader advised Members on the risks attached to each issue raised in the proposed refusal.

The Legal Representative advised Members the proposal to refuse planning permission would need to be supported by clearly defined reasons. The Member who made the proposal to refuse planning permission, reiterated the reasons for the proposal provided earlier in the discussion. It was advised that as Members had proposed a motion and it had been seconded, a vote *must* be conducted on that motion.

Members voted on the proposal to refuse the recommendation in the report with a result of 7 in favour of the proposal and 2 against.

RESOLVED

That it be noted that the Committee agreed to:

REFUSE the recommendation set out in the report for planning permission for the construction of a two-storey 3-bedroom single-family dwelling house on land at the rear of 148 Deptford High Street, SE8 and,

to delegate the final wording of the reason for refusal to Officers in consultation with the Chair outside of the meeting.

The meeting closed at 11.00 pm

Subsequently the reason for the refusal that was issued after discussion with the chair by the Planning Officer was as follows:

- The proposed development represents poor quality design that is out of keeping with the character and appearance of the area and the adjoining dwelling at No1 Crossfield Street. The development will give rise to an enclosed amenity area and a poorly detailed roof form. The proposal provides insufficient detail with respect to quality of materials.

Chair

Committee	PLANNING COMMITTEE C	
Report Title	21 BOUSFIELD ROAD, LONDON, SE14 5TP	
Ward	Telegraph Hill	
Contributors	Erin Glancy	
Class	PART 1	8th September 2020

<u>Reg. Nos.</u>	DC/20/116607
<u>Application dated</u>	04.05.20
<u>Applicant</u>	Gruff Architects
<u>Proposal</u>	The construction of a replacement rear extension at 21 Bousfield Road, SE14.
<u>Designation</u>	PTAL 3 Flood Zone 3 Telegraph Hill Conservation Area Telegraph Hill Article 4(2) Direction Air Quality

1 SUMMARY

- 1 This report sets out Officer's recommendations for the above proposal. The application is before Members for a decision as the recommendation is to approve and there has been one valid objection from the Telegraph Hill Society. The application was reviewed by a Chair of one of the Council's Planning Committees and the Chair considered the planning decision should be taken by committee.

2 SITE AND CONTEXT

Site description and current use

- 2 The site is a two storey mid-terrace house located on the eastern side of Bousfield Road. To the rear are terraced houses located on Waller Road. The surrounding area is residential in nature, and made up of Victorian terraced and semi-detached buildings.
- 3 This property is currently in use as a single family dwellinghouse.

Site Location Plan



Character of area

- 4 The property is located within the Telegraph Hill Conservation Area, and is subject to an Article 4 Direction. The property is not a listed building, nor is it in the vicinity of one.
- 5 The Telegraph Hill Article 4 Direction was made on 8th April 2008 and removes various householder Permitted Development (PD) rights but only where a development would be visible from a public place, such as a highway, open space or waterway.
- 6 New Cross Gate and Nunhead train stations are within a 10 minute walk from the property.

Transport

- 7 The Public Transport Accessibility Level (PTAL) for this property is 3.

3 RELEVANT PLANNING HISTORY

DC/17/100951: The formation of a new bay window on the front elevation at the ground floor level of 21 Bousfield Road, SE14, together with the construction of a replacement front boundary wall and replacement of hardstanding to front garden. (GRANTED 15/05/2017).

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

8 This application proposes the construction of a single storey rear wrap-around extension.

9 The application would include the demolition of the existing extension to the rear.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

10 Site notices were displayed in the vicinity of the site on 08/07/2020 and a press notice was published on 08/07/2020.

11 Notification letters were sent to residents and the relevant ward Councillors on 03/07/2020.

12 2 responses were received. The Telegraph Hill Society objected to the proposal. 1 neutral comment was also received from a neighbouring resident.

13 The neutral comment raised issue of the installation of guttering to the proposed extension.

5.1.1 Comments in objection

Comment	Para where addressed
<ul style="list-style-type: none">• Society does not consider the proposal to be of exceptional design quality• Society considers the proposed materials are in-compatible with the conservation area.• Society notes the height of the extension sits 5 brick courses above the sills on the first floor.	32, 36, 46.

<ul style="list-style-type: none"> • Society is of the view rooflights give rise to increased light spillage 	
---	--

5.2 INTERNAL CONSULTATION

14 The following internal consultees were notified on 03/07/2020.

- Conservation Officer: raised no objections.

6 POLICY CONTEXT

6.1 LEGISLATION

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

16 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

6.2 MATERIAL CONSIDERATIONS

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

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

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

6.3 NATIONAL POLICY & GUIDANCE

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

6.4 DEVELOPMENT PLAN

20 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMLP)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

21 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

22 London Plan SPG/SPD:

- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)

6.6 OTHER MATERIAL DOCUMENTS

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

7 PLANNING CONSIDERATIONS

23 The main issues are:

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

8 PRINCIPLE OF DEVELOPMENT

General policy

24 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals

should be approved without delay so long as they accord with the development plan.

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

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

8.2 URBAN DESIGN & HERITAGE

General Policy

25 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

26 CSP 15 and 16, DMLP 30, 31 and the provisions of the Alterations and Extensions SPD reflect this and are relevant.

27 CSP 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.

28 DM Policy 30 'Urban Design and Local Character' (5) of the Lewisham DMLP (2014) requires a site specific design response to have regard for local distinctiveness such as "building features and uses, roofscape, open space and views". Further (5)(b) of the same policy requires the site specific design response to include "height, scale, and mass which should relate to the urban typology". The same policy requires that any development should relate to the scale and alignment of the existing street including its building frontages.

8.2.1 Appearance and character

Form and Scale

Policy

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

Discussion

30 The proposed scale and massing is appropriate for the location and would be subservient to the original dwellinghouse. The highest part of the development is at the top of the asymmetrical roof pitch approx. 3.8m in height and 2.5m high on the common boundaries with nos. 19 and 21. The shallow dual pitch of the proposed roof form helps to ensure adequate internal head heights and maintain acceptable eaves height along the neighbouring boundaries.

31 The current proposal has been assessed against the relevant DM Policy 30, 31 and CS15, and is considered to be acceptable in terms of its height and massing.

Detailing and Materials

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

Discussion

33 The design and access statement provides an in depth contextual analysis of the local character and typology.

34 The proposal would feature Shou-Sugi-Ban Kebony Enhanced Grain Cladding to the rear, to the flank walls of the extension with the neighbours wall will be London stock brick. Together with the installation of Crittall style glazing with black bars which matches the cladding and is high quality, and rooflights.

35 Officers acknowledge that the proposed cladding would not match the surrounding area, however find the use of the dark cladding together with the Crittall style glazing would be a positive and contemporary design in accordance with adopted policy. Officers also note the extension would not be visible in the public realm and the materials are considered to be high quality which would contrast with the existing dwelling.

8.2.2 Impact on Heritage Assets

Policy

36 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.

37 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

38 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset’s conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

39 LPP 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details. DLPP HC1 reflects adopted policy.

40 CSP 16 ensures the value and significance of the borough’s heritage assets are among things enhanced and conserved in line with national and regional policy.

41 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

42 Further guidance is given in the Alterations and Extensions SPD (April 2019).

Discussion

43 As previously mentioned, an objection to this proposal has been received from the Telegraph Hill Society. This objection relates to the quality of design, specifically the overall height and materials.

44 It is noted that the works would include the demolition of the existing rear single storey extension which protrudes from the rear outrigger at the property.

45 Officer's note that the rear of property is not visible from the public realm and the adjoining land to the rear is the back gardens of properties located along Waller Road. There would be very limited visibility of the property from the two adjoining properties to the north and south as there would be brick to the flank walls. Moreover, the asymmetrical design of the roof means that although the maximum height is relatively high (3.8m), the height at the eaves on the boundary would be 2.5m, which accords with supplementary planning guidance.

46 The overall height is clearly subservient to the first floor window cill levels and the form of the existing dwelling, being sensitively contrasting so as to clearly distinguish between old and new, using high quality materials.

47 For these reasons, Officers find that the proposal would result in no material harm to the character and heritage of the Telegraph Hill Conservation Area.

Summary

48 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character and appearance of Telegraph Hill Conservation Area. As no harm is identified, there is no need to consider the NPPF para 196 balancing exercise.

8.2.3 Urban design conclusion

49 In summary, the proposed extension is a contemporary and high quality, unique, site-specific response that would create interest. It is of an appropriate height and scale. The design and access statement provides an in depth contextual analysis and provides justification for the choice of materials. The design of the proposal is therefore acceptable, and in line with the aforementioned policies.

8.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 50 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL).
- 51 DMP32 (1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 52 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; and (iii) loss of daylight within properties and loss of sunlight to amenity areas.
- 53 The surrounding area is predominantly residential, characterised by terraced and semi-detached dwellinghouses.

8.3.1 19 Bousfield Road

Outlook, sense of enclosure and overbearing

- 54 The property No. 19 Bousfield Road is a single family dwellinghouse, the back garden is a reasonable size and similar to that of the application site. Officers observe from Google Earth that this property benefits from an extension to the rear. The plans proposed a maximum height of 2.5m by 5m deep along the common boundary with No.19. Due to the modest height on the boundary, Officers consider neighbouring occupiers would maintain sufficient amenity levels and that the extension would not create a harmful enclosing effect to the side return of No.19, nor is it considered to negatively impact the outlook of this property.
- 55 Concern was raised regarding light spillage from the proposed rooflight. Officers consider the highly urbanised nature of the area would not result in an unacceptable levels of light spillage as to warrant the refusal of the application. Roof lights in rear extensions are a common feature of development in urban London.

Privacy

- 56 The proposed extension would not introduce any new openings that would lead to the loss of privacy for No. 19, due to the location of the new openings on the ground floor and would maintain existing views. For this reasons officers are satisfied that this proposal would not raise any concerns relating to the loss of privacy at No. 19 Bousfield Road.

Daylight and sunlight

- 57 Officers note that No.19 benefits from a single storey extension, this proposal would not negatively impact the amount of daylight/ sunlight that enters the existing amenity space at No. 19.

8.3.2 23 Bousfield Road

- 58 The impacts on the amenity of No. 23 are also acceptable for officers, due to the existing addition to the rear of this property. Furthermore the extension would extend approx. 1m beyond that of the existing extension at No.23. For this reason the combined length of 1m along the neighbouring boundary at an eaves height of

2.5m is considered to have an acceptable impact in terms of sense of enclosure and loss of outlook on the adjoining property No.23 Bousfield Road. For the reasons outlined above the proposed would not negatively impact the amenity of No. 23 Bousfield Road.

Privacy

59 The proposed extension would not negatively impact the privacy of the neighbouring property, this proposal is for a single storey extension and existing views would be maintained. For this reason officers are satisfied that this proposal would not raise any concerns relating to the loss of privacy at No.23 Bousfield Road.

Daylight and sunlight

60 Officers note that No.23 also benefits from a single storey extension, the proposed extension would extend 1m beyond the existing property. For this reason officers are satisfied the proposed eaves height of 2.5m would not negatively impact the amount of daylight/ sunlight that enters the existing amenity space at No. 23.

8.3.3 Impact on neighbours conclusion

61 The proposed development would not result in harm to the amenity of neighbouring residents. Officers note that any proposed guttering for the extension would need to meet the requirements of Approved Document H of the Building Regulations, but this is not a material planning matter.

9 EQUALITIES CONSIDERATIONS

62 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.

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

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

64 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.

65 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the

equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

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

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

67 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/publication-download/services-public-functions-and-associations-statutory-code-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

68 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

10 HUMAN RIGHTS IMPLICATIONS

69 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Article 9: Freedom of thought, belief and religion
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

70 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

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

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

11 CONCLUSION

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

74 The proposed would be a high quality rear extension, through the use of an appropriate degree of complementing and contrasting design elements and materials in relation to the host dwelling. The contemporary dark cladding material and Crittall windows are considered to be high quality. The proposed wrap-around extension are considered to be acceptable in terms of design quality, heritage impacts and any impacts on adjoining properties.

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

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

12 RECOMMENDATION

77 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informative:

12.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2) PLAN NUMBERS

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

G269_100; Drawing Register; G269_120; G269-140; G269-301; Design and Access Statement & Heritage Statement; Received 4 May 2020.

G269-130; G269_200 Rev A; G269-300 Rev A; G269-400 Rev A; Received 29 June 2020.

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

3) **MATERIALS AND DESIGN QUALITY**

- (a) The development shall be constructed in those materials as submitted namely: Shou-Sugi-Ban Kebony Enhanced Grain Cladding; Black Crittall Cladding.
- (b) The scheme shall be carried out in full accordance with those details, as approved.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character, DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens.

12.2 **INFORMATIVES**

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.

This page is intentionally left blank



This page is intentionally left blank