

PLANNING COMMITTEE B

Date of Meeting: **WEDNESDAY, 21 APRIL 2021 TIME 7.30 PM**

PLACE: **REMOTE - VIA MICROSOFT TEAMS**
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Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

Aisling Gallagher (Chair)
Alan Smith (Vice-Chair)
Tauseef Anwar
Leo Gibbons
Liz Johnston-Franklin
Jim Mallory
Hilary Moore
John Muldoon
Lionel Openshaw
Sakina Sheikh

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
Laurence House
London SE6 4RU
Date: Tuesday, 13 April 2021

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Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 21 APRIL 2021

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 (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 21 April 2021

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on 15 and 16 July and 17 September 2020.

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MINUTES OF PLANNING COMMITTEE (B)

Wednesday, 15 July 2020 at 8.47pm.

PRESENT: Councillor Aisling Gallagher (Chair) Councillor Alan Smith (Vice-Chair) Councillors Mallory, Gibbons, Anwar, Openshaw, Moore, Johnston-Franklin, Muldoon, and Sheikh.

1. Planning (B) Membership

RESOLVED that the following membership of the Planning Committee (B) for the Municipal year 2020/21 be confirmed:

Councillor Aisling Gallagher (Chair)
Councillor Alan Smith (Vice-Chair)
Councillor Jim Mallory
Councillor Leo Gibbons
Councillor Tauseef Anwar
Councillor Lionel Openshaw
Councillor Hilary Moore
Councillor Liz Johnston-Franklin
Councillor John Muldoon
Councillor Sakina Sheikh

2. Election of Chair and Vice Chair

Resolved that Councillor Aisling Gallaher be elected as Chair and Councillor Alan Smith be elected as Vice Chair of Planning Committee (B) for the Municipal Year 2020/21.

The meeting ended at 8.48pm.

Chair

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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.

**LEWISHAM COUNCIL
PLANNING COMMITTEE B
THURSDAY, 17 SEPTEMBER 2020 AT 7.30 PM
MINUTES**

PRESENT: Councillor Aisling Gallagher (Chair) Councillor Alan Smith (Vice-Chair)
Councillors Tauseef Anwar, Liz Johnston-Franklin, Jim Mallory, Hilary Moore, John Muldoon, Lionel Openshaw and Sakina Sheikh.

APOLOGIES FOR ABSENCE Councillor Leo Gibbons.

OFFICERS: Service Group Manager, (SGM) Planning Officers and Committee Officer.

ALSO PRESENT: Legal Representative.

**Item
No.**

1 Declarations of Interest

Councillor Muldoon said that he had received an email from Mr Crombie who was making a representation with regard to item 5.

Councillor Smith said that he had also received emails from Mr Crombie but since he had not read them, he did not have a declaration of interest.

2 Minutes

RESOLVED that the minutes of the meeting of the Planning Committee B held on 15 and 16 July 2020 be considered at the next meeting.

3 109 Honor Oak Park, SE23 3LB.

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the demolition of the existing house at 109 Honor Oak Park, SE23 and the construction of a three storey plus basement building consisting of 8 three bedroom self-contained flats, together with associated refuse storage, cycle storage and landscaping. She also said that an additional late representation had been received. The objection was with regard to the number and size of the flats proposed, parking stress issues and the house allowed to fall into disrepair.

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

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

Following a question from a member, the planning officer advised that the current condition of the building could not have been controlled by planning officers, the owner had allowed it to fall into its current dilapidated condition.

The Agent made his presentation to the Committee. He said that in May 2018, the planning appeal inspector requested evidence to prove that it would not be economically viable to retain the property. In all other respects, the proposed development was acceptable. This application had been made to submit the detailed viability assessment for members' consideration. The question regarding the owners' responsibility for allowing the building to dilapidate was not relevant because the starting point of the property was that it was structurally unsound.

There was a question about how the gardens would be subdivided between flats 3 and 8. Members were advised that each garden will be independently accessed for each unit and each garden will be screened and landscaped to ensure privacy, and security for the residents.

Residents who had opposed the application did not attend the meeting.

Councillor Smith said that he agreed with the viability report. He moved that the officer recommendation be agreed, this was seconded by Councillor Muldoon.

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

The Committee

RESOLVED that planning permission be granted for the demolition of the existing house at 109 Honor Oak Park, SE23 and the construction of a three storey plus basement building consisting of 8 three bedroom self-contained flats, together with associated refuse storage, cycle storage and landscaping, subject to the conditions and informatives as outlined in the report.

4 Lee Court, Lee High Road, SE13 5PE

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the construction of an additional storey at roof level to provide 2x 1b/2p and 4x 2b/3p flats and construction of 1x 1b/2p house to the side of Lee Court, Lee High Road, SE13, together with the associated landscaping, bin and cycle storage.

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

- Principle of Development
- Housing
- Urban Design and impact on locally listed building
- Transport
- Impact on living conditions of neighbours
- Sustainable Development

The agent, on behalf of the applicant, addressed the Committee. He said that research had been carried out into the history of Lee Court. Features which made both a positive and negative contributions to the Art Deco character had been identified.

Design work began from recognising the positive features of the building including the vertical emphasis created by stair cores and the horizontal emphasis created by the band coursing above and below windows.

The heritage value of the building was recognised: For example, the new roof top extension adopts vaulted roofs over stair cores to emphasize the existing stair core features, without overwhelming them. The extension as a whole is set back to provide a softer visual transition at the top of the building. The extension also incorporates strong elements of art deco design, including Crittall style windows and horizontal banding in the cladding. The proposed house hides the unsightly flank wall and is designed to be subservient to the host building.

The applicant then outlined the technical matters with regard to the structural assessment of the existing building, the proposed structure that will float above the existing roof, and two entirely separate means of escape to be located at the front and rear of the building.

Members were advised that access for construction would be clarified at the planning condition stage in the construction method report and a detailed report would be produced during the technical design to ensure that service provision to the building is adequate and supplemented if necessary.

The Chair invited members to ask questions. The key points were as follows:

The energy efficiency of the building will exceed building regulations. The question of whether the building would overheat in summer had been given consideration. It was proposed that mass would be built into the structure using plasterboard with a higher latent heat capacity. In addition windows could be fitted with a solar reflective finish.

Access from the fourth to the fifth floor would be via one flight of stairs. These stairs are currently used to access the roof.

Cycle storage would be at the rear of the building for new residents. This was due to the limitation of space as location of bins would also have to be considered at the rear. There would be storage for between 13-15 cycles; this was more than recommended in the conditions. However, it was agreed that the following be added to the conditions. 'Notwithstanding what is shown on the approved plans, revised details of cycle storage shall be submitted and approved in writing by the local authority'. Officers could then consider whether the maximum cycle provision on site had been achieved.

The Chair of Lee Court leaseholders association addressed the Committee on behalf of leaseholders and residents of Lee Court and made the following key points.

- The proposed design of the additional storey was accepted.
- Residents had concerns about additional people accessing the communal areas. Some of the central stairwells are poorly maintained and there were concerns that the space would not be big enough for the extra numbers of people using this area.
- There are plans within the planning conditions to improve the external communal area. However the proposal to provide cycle storage for residents in the new flats only could be a barrier to equity. Storage should be extended so that all residents have access to this storage.
- There were concerns about the cladding material at the top of the building, how fire safety would be ensured and whether it would cause a fire hazard.
- A void is proposed between the roof and the new building. Squirrels and other animals were already in this void and residents had concerns that this could create long term problems for residents and long term damage to the building.
- Although residents appreciated the proposed upgrades to internal and external parts of the building, they had concerns that maintenance fees could increase.

The Chair asked the agent to address residents' concerns. He said that with regard to the void below the proposed structure, the intention was to hover above the existing roof. This had been recommended by a structural engineer and would ensure that the void was ventilated.

The agent said that a fire consultant would be employed. The type of cladding would not be composite. It would be standalone, aluminium, powder coated, rain screen cladding. With regard to fire spread and separation, part B of the Building Regulations had changed massively to ensure that the building is protected and this would be taken into account.

Members had sympathy with the concerns that residents' had, but most of their concerns were for the landlord to address; they were not planning concerns. The Chair recommended that the residents should speak to their local ward councillors for advice.

The Committee considered the submissions made at the meeting, and

RESOLVED unanimously that planning permission be granted for the construction of an additional storey at roof level to provide 2x 1b/2p and 4x 2b/3p flats and construction of 1x 1b/2p house to the side of Lee Court, Lee High Road, SE13, together with the associated landscaping, bin and cycle storage subject to

the conditions and informatives outlined in the report and the following additional condition

Notwithstanding what is shown on the approved plans, revised details of cycle parking provision for the development shall be submitted to and approved in writing by the Local Planning Authority prior first occupation of the development hereby permitted.

At 8.37 there was a short break in the meeting which reconvened at 8.45

5 Greyladies Gardens, Wat Tyler Road, London, SE10 8AU

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for retrospective planning application for the installation of rooftop safety railings to both the Northern and Southern Blocks of Greyladies Gardens, Wat Tyler Road SE10 (as amended on 24/2/2020).

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

- Principle of development
- Urban design impacts, including heritage impacts
- Impacts on occupiers of adjoining properties

Following a question regarding procedure, the service group manager explained that the planning application had been referred to the planning committee by officers in accordance with the Council's Scheme of Delegation.

Applicant

The agent outlined the history of the application. He said that the access hatches and the steps themselves had been granted planning permission. The railings were a normal part of the safety product. Since planning permission had been granted, there had been significant discussions with planning officers. Part of the proposals had been to paint the steps anthracite grey, which the applicant was willing to do if necessary. The railings were installed because it is the safest way of accessing the roof. Alternate systems had been considered for the railings, including the anchor and hook system but none were considered to be as safe as the current railings.

The agent said that with regard to harming visual amenity, the railings have a negligible impact

In conclusion, the conservation officer and the planning officer agreed that there is not harm to the conservation area nor does it have any heritage impact. The railings are a necessary part of maintaining the building.

Representation

A resident addressed the Committee He said that he was speaking on behalf of eight residents in Dartmouth House and the board of Dartmouth House and all 18 freeholders of the property. He said that this planning application is of concern to residents' because it affects their lives every day. The fixtures obstruct their view

of the heath. The scale of the impact from their gardens and windows is greater than the photographs in the planning report. He requested that members consider alternative low profile safety systems instead of the current fixtures. Contrary to the claims of the agent, it was his belief that there are other viable alternatives which are readily and easily available, including the rope and tether system. Details of alternative safety systems had been given to planning officers.

It was the understanding of the resident, that the conservation officer also wrote to the planning officer regarding their concerns about 'the negative cumulative impact of the fixtures and recommended the rope and tether system. It was also his understanding that the conservation design officer shared residents' view that a low profile solution would be a more appropriate design. He recommended that the application be refused and recommend a low profile alternative to replace all steps and railings including around the hatches.

A question was raised regarding the necessity for hand rails which a member considered to be an important safety feature of the building. The resident claimed that if an anchor, bolt and tether system was used, steps would not be necessary. He further claimed that the wrong plans were referred to in assessing whether the additional railings around the hatches enjoyed prior planning permission.

A member asked why the comments made by the conservation officers, and outlined by the objector, had not been included in the report. The Service Group Manager said that the conservation team had been contacted with regard to the application. They had asked for investigations to be made into alternative solutions to the railings and steps. A former Lewisham planning officer met with the applicant, but the discussion did not lead to any alternative system. The comments of the conservation officers had been included in the report but were not verbatim and he explained how officers formulate recommendations.

The agent outlined the different alternatives that were looked into. A roof top tether system was considered but a decision was made that it was not safe enough because of difficulties trans-versing various levels on the roof while extending the anchors to every level and hatch. This was the only alternative that was low profile. The agent explained in detail why he did not consider the previous rope and anchor system to be safe enough. Whilst on the roof, un-anchoring took place where there is a dip in the building and was not safe when accessing the different hatches or going over the various levels.

The Service Group Manager shared some photographs of the railings sent in by the resident. The photographs were shown to all those present. The Chair said that several of the railings were not part of the application.

The resident said that the comments made by the conservation officers were made after the original application. He also claimed that the wrong plans were used and all the railings in the photograph he supplied should be included in the application. The legal officer clarified that the application was only for the four sets of railings, two on each building. Members could only consider, therefore, the impact of the four railings.

In conclusion, the objector said that an alternative solution could be put in place and he asked that they be considered and constructively dismissed.

A member said that the railings constitute a safe way for people to work on the roof and this over rides the consideration of the visual impact for residents.

The Committee considered the submissions made at the meeting, and Members voted on the recommendation in the report with a result of 7 in favour of the proposal and 2 against.

RESOLVED that retrospective planning application be approved for the installation of rooftop safety railings to both the Northern and Southern Blocks of Greyladies Gardens, Wat Tyler Road SE10 (as amended on 24/2/2020) subject to the condition and informative outlined in the report and an additional condition requiring the railings to be painted grey.

The meeting closed at 20.42 pm.

Chair

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Committee	PLANNING COMMITTEE B	
Report Title	88 Grove Street, London, SE8 3AA	
Ward	Evelyn	
Contributors	Alfie Williams	
Class	PART 1	21 APRIL 2021

Reg. Nos. DC/20/119575

Application dated 11.12.2020

Applicant Mr Kang

Proposal The construction of an additional storey at roof level to provide a self-contained flat at 88 Grove Street SE8 (former Princess of Wales Public House)

Background Papers

- (1) Case File DE/152/88/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) The London Plan (March 2021)

Designation

Area of Archaeological Priority
PTAL 2
Thameside Policy Area
Flood Risk Zone 3

1 SUMMARY

- 1 This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of a petition against the development with 21 signatures.

2 SITE AND CONTEXT

Site description and current use

- 2 The application site is a three storey, former public house (Princess of Wales) of circa 1880, comprised of six flats, located at the junction of Grove Street and Barnes Terrace. The latter is a short cul-de-sac leading to a gateway (now blocked) to the former Royal Naval Dockyard. The building is constructed from stock bricks and features timber windows. The building has a stuccoed parapet cornice with a corner tablet with the name of the former public house. The roof (flat) behind is hidden from view. To the side of the building is a single storey projection, which previously formed part of the public house but which has been vacant since the conversion of the former pub to flats in 2002.

Figure 1. Site Location Plan



Character of area

- 3 The area is predominantly residential and features a variety of scales of development of various ages and architectural styles. Adjoining the northeast boundary of the property and fronting Barnes Terrace is a modern two storey development constructed in the mid-1990s. This includes an end of terrace two storey house, the side elevation and rear garden of which is located close to the rear boundary of the application site. The site also adjoins a two storey development fronting Grove Street. Opposite the site, on the western side of Grove Street, is a five storey block of flats.

Heritage/archaeology

- 4 Although the building is not listed, assessments of the previous applications at the site have identified the building as a Non-Designated Heritage Asset (NDHA) due to its evidential value as one of the few remaining examples of Victorian architecture within the surrounding area. The building has lost some of its ground floor windows and the corner entrance door, but the pilasters and cornice survive (in deteriorated condition) which, along with the surviving timber sliding sash windows contribute to its character.
- 5 The site is not within a Conservation Area but is designated as an Archaeological Priority Area.

Transport

- 6 The application site has a Public Transport Accessibility Level (PTAL) rating of 2, where on a scale of 1-6, 1 is lowest and 6 is highest.

3 RELEVANT PLANNING HISTORY

- 7 DC/04/56098: The construction of a four storey plus basement building to the side of the former public house at 88 Grove Street SE8, to provide 6, one bedroom self-contained flats and 2, two bedroom, self-contained maisonettes, together with the formation of lightwells in front and rear elevations, the provision of associated landscaping and provision of two parking spaces to the front. Planning Permission Refused 19/03/2004 for the following reasons:

1. *The height and bulk of the proposed building and its relationship to nearby buildings would represent an over dominant and visually obtrusive feature in the street scene and would result in an overdevelopment of the site contrary to policies BLT.ENV1: Urban Design and HSG 20: Density of New Residential Development in the Council's adopted Unitary Development Plan and URB 2 Urban Design and HSG 12 Density in the Revised Deposit Draft Unitary Development Plan (August 2001).*
2. *The lack of off-street parking spaces within the development, in relation to the number of new dwellings proposed would give rise to increased on-street parking of vehicles at the junction of Barnes Terrace and Grove Street to the detriment of vehicle and pedestrian safety and contrary to policy TRN 22: Parking Control - General in the Council's adopted Unitary Development Plan and TRN 27 Car Parking Standards in the Revised Draft Deposit Unitary Development Plan (August 2001).*

8 An Appeal (APP/C5690/A/04/113109) in respect of this decision was dismissed 28/02/2005

9 Both reasons for refusal were supported by the Inspector. In respect of reason 1, the Inspector states:

“Planning permission has already been granted for an extension on this site but at only three storeys high it would be visually subordinate to the former public house and transitional in height between that and the neighbouring buildings. Because of its greater height and its proximity the development now proposed would appear excessively dominant relative to both, and obtrusive in the street scene. The appeal scheme would thus be materially harmful to the character of the locality and so contrary to the aims of policy URB2 of the London Borough of Lewisham Revised Unitary Development Plan (2004).”

10 DC/04/56539: The construction of a three storey plus basement building to the side of the former public house at 88 Grove Street SE8, to provide 4 one bedroom self-contained flats and 2 two bedroom self-contained maisonettes, together with the formation of lightwells in front and rear elevations, the provision of associated landscaping and 2 parking spaces to the front. Planning Permission Granted 16/07/04

11 DC/16/097961: The construction of a four storey extension at the side of 88 Grove Street (former Princess of Wales PH) SE8, to provide 4 one bedroomed self-contained flats, together with the construction of an additional storey on the extended building to provide a three bedroomed self-contained flat with roof terrace, the provision of a refuse and recycling store and storage for 8 bicycles. Refused 11/10/2016 for the following reasons:

1. *The proposed roof addition is completely at out of character with the design of the host building which is an attractive example of a Victorian Public House of c1880 and is regarded as an undesignated heritage asset. Moreover, given the scale of immediately adjoining buildings, the proposed extension would represent an overdominant and visually obtrusive feature in the street scene contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 30 Urban design and local character, DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 37 Non-designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest, of the Development Management Local Plan (November 2014).*
2. *The proposed four storey side extension would not be subsidiary to the host building and given its proximity to adjoining buildings of much smaller scale would represent an over dominant and visually obtrusive feature in the street*

scene contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 30 Urban design and local character, DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 37 Non-designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest, of the Development Management Local Plan (November 2014)

3. *The flats in the proposed side extension would by reason of their size, configuration, limited outlook and lack of private amenity space provision, fail to provide satisfactory living accommodation, contrary to Policy 3.5 Quality and design of housing developments of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 32 Housing Design, Layout and Space Standards and the Lewisham Residential Development Standards SPD (Updated May 2012).*
4. *The proposed side extension would by reason of its scale and proximity to adjoining residential properties and their gardens have an over-bearing impact and a detrimental impact on access to natural light and outlook, contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing Design, Layout and Space Standards of the Development Management Local Plan (November 2014) and the Lewisham Residential Development Standards SPD (Updated May 2012).*

12

DC/17/100229: The construction of a four storey extension, including basement, at the side of 88 Grove Street (former Princess of Wales PH) SE8, to provide 1 one bedroom and 2 two bedroom self-contained flats, together with the provision of a refuse and recycling store and storage for 8 bicycles. Refused 10/05/2017 for the following reasons:

1. *The proposed four storey side extension by reason of its scale, position and architectural detailing would not be subservient to the host building and would represent an over dominant and visually obtrusive feature in the street scene contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 30 Urban design and local character, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, of the Development Management Local Plan (November 2014).*
2. *Flat 2 in the proposed side extension would by reason of its substandard floor space and configuration result in a cramped and poor standard of living accommodation. Further, Flat 1 of the side extension as a result of its inadequate submitted detail fails to demonstrate that the basement area of the flat would have adequate daylight and sunlight, or provide an outlook that is consistent with the relevant statutory standards resulting in a poor accommodation outcome. As such, both Flats 1 and 2 are contrary to Policy 3.5 Quality and design of housing developments of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 32 Housing Design, Layout and Space Standards and the Lewisham Residential Development Standards SPD (Updated May 2012).*
3. *The proposed side extension by reason of its scale, design, proximity to adjoining residential properties and windows in the rear elevation would constitute an overbearing form of development that would result in a detrimental overbearing impact, overlooking and loss of outlook for the occupiers of No. 1 Barnes Terraces, contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing Design, Layout and Space Standards of the Development Management Local Plan*

(November 2014) and the Lewisham Residential Development Standards SPD (Updated May 2012).

- 13 DC/17/100234: The construction of an additional storey at roof level to provide 1 two bedroom self-contained flat at 88 Grove Street (former Princess of Wales PH) SE8 - Granted 10 May 2017
- 14 DC/19/111100: Construction of a three storey extension at the side of at 88 Grove Street (former Princess of Wales PH) SE8, to provide 1 one bedroom and 1 two bedroom self-contained units – Refused on 17 April 2019 for the following reasons:
- 1. The proposed side extension by reason of its height, proximity to adjoining residential properties and windows in the rear elevation would result in unacceptable overlooking and loss of privacy for the occupiers of No.1 Barnes Terraces, contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing Design, Layout and Space Standards of the Development Management Local Plan (November 2014).*
 - 2. The overall standard of accommodation, by reason of the undersized internal area of the flats, the inefficient layouts and the single aspect provided to the flats, would fail to represent an acceptable standard of residential accommodation as required by National Technical Standards, Policy 3.5 of the London Plan (March 2016), the London Plan Housing SPG (March 2016) DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).*
- 15 DC/19/112117: Construction of a three storey extension at the side of at 88 Grove Street (former Princess of Wales PH) SE8, to provide 1 x one bedroom and 1 x two bedroom self-contained units – Granted 5 August 2020.
- 16 DC/20/119571: An application submitted under Section 96a of the Town & Country Planning Act 1990 for a non-material amendment in connection with the planning permission referenced DC/19/112117 dated 05/08/2020 for the construction of a three storey extension at the side of at 88 Grove Street (former Princess of Wales PH) SE8, to provide 1 x one bedroom and 1 x two bedroom self-contained units., **in order to allow an amendment to the wording of the description of development to the "Construction of a three storey extension at the side of 88 Grove Street (former Princess of Wales PH) SE8, to provide 2 x self-contained residential units" –** Granted 22 December 2020.
- 17 DC/20/118814: An application submitted under Section 73 of the Town and Country Planning Act 1990 for Minor Material Amendments in connection with the variation of Condition (2) of planning permission (DC/19/112117) dated 22 May 2020 for construction of a three storey extension at the side of 88 Grove Street (former Princess of Wales PH) SE8, to provide 2 x self-contained residential units:- **in order to provide alterations to the layout of Unit 1 –** granted 14 January 2021.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

- 18 The current application is for the construction of an additional storey to the roof to provide a two bedroom three person flat. The flat would have a GIA of 63sqm,

accommodating two bedrooms, bathroom, storage and open plan living/kitchen area. The flat would be accessed via an extension to the existing stair core.

19 The mansard would be clad in slate with stock brick flank walls. The front roof slope would accommodate three dormers which would house timber sash windows. The rear roof slope would incorporate a single dormer and a rooflight.

20 In terms of servicing, cycle storage would be provided within the existing courtyard at the rear of the property. A new refuse storage area would be created within the front garden.

4.2 COMPARISON WITH PREVIOUS SCHEME

21 The current proposal is largely identical to the scheme granted planning permission in May 2017, which would have also seen a mansard roof extension to provide a two bedroom, three person flat (reference DC/17/100234).

5 CONSULTATION

5.1 APPLICATION PUBLICITY

22 Site notices were displayed on 12 January 2021. Letters were also sent to residents in the surrounding area as well as the relevant Ward Councillors and the Pepys Residents Association on 12 January 2021.

23 A petition with 21 signatories was submitted against the application. The concerns raised within the petition are set out below:

5.1.1 Comments in objection

Comment	Para where addressed
Substandard level of outlook	52
Undersized floor to ceiling height	53
Impact to existing communal areas	54
Lack of external amenity space	54
Harmful visual impact to the NDHA	60-64
Increase to the ridge height	61
Waste strategy	70
Increase parking stress	68
Impact to transport capacity	71
Privacy	76
Noise and disruption from construction	78

24 The petition also raised the following matters that are not judged to be material considerations for this application.

25 It is not a policy requirement to create wheelchair accessible units for this scale of development.

- 26 The impact of the development to the structural integrity of the building is a matter for Building Regulations.
- 27 Issues relating to building management are a matter for the leaseholders and freeholder to resolve.

5.2 INTERNAL CONSULTATION

- 28 The following internal consultees were notified on 11 January 2021:
- 29 Highways: did not submit comments on the application.
- 30 Conservation: commented that the mansard would be improved if it responded to the chamfered corner of the building but does not consider that the proposal is objectionable.
- 31 Environmental Protection: no objection.

5.3 EXTERNAL CONSULTATION

- 32 The following External Consultees were notified on 11 January 2021:
- 33 Environment Agency: No objection.

6 POLICY CONTEXT

6.1 LEGISLATION

- 34 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).

6.2 MATERIAL CONSIDERATIONS

- 35 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.
- 36 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.
- 37 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 aforementioned directions and 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

38 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

39 Lewisham SPG/SPD: [delete irrelevant documents]

- Alterations and Extensions Supplementary Planning Document (April 2019)

40 London Plan SPG:

- Housing (March 2016)

7 PLANNING CONSIDERATIONS

41 The main issues are:

- Principle of Development
- Residential Quality
- Urban Design
- Impact on Adjoining Properties
- Transport
- Flood Risk

7.1 PRINCIPLE OF DEVELOPMENT

General policy

42 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.

43 Lewisham is defined as an Inner London borough in the London Plan. The London Plan sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

Policy

44 The Core Strategy (CSP) recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan (LPP) at Policy H1 increases Lewisham's ten-year (2019/20 - 2028/29) housing target at 16,670, or 1,667 as an annualised average. Lewisham Core Strategy Spatial

Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need.

45 CSP 1 states that contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings.

46 LPP H2 states that boroughs should increase the contribution of small sites (below 0.25 hectares) to meeting London's housing needs and sets a ten year target for Lewisham of 3,790 new homes.

Discussion

47 The former public house was converted to residential accommodation approximately 20 years ago. As such, the principle of extending the building to provide additional accommodation is not objectionable. The provision of an additional residential units would make a modest contribution to local housing targets, which is considered a planning merit that carries weight within the overall planning balance.

7.1.1 Principle of development conclusions

48 In summary, the principle of the proposed development is supported subject to an assessment of the quality of the residential accommodation and design, and the impact of the development to the surrounding area in terms of transport and neighbouring amenity.

7.2 RESIDENTIAL QUALITY

General Policy

49 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 (LPP D6), the Core Strategy (CSP 15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

Policy

50 As set out in DMP 32, the level of amenity provided by any new units will be assessed against the standards in the Technical Housing Standards – Nationally Described Space Standard (NDSS) and the London Plan Housing SPG. In addition, DMP 32 requires all new residential developments to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy.

51 The London Plan Housing SPG Standard 26 relates to external amenity space and states that for 1-2 person dwellings, a minimum 5sqm is required, with an extra 1sqm for every additional occupant.

Discussion

52 The internal standard of the accommodation is generally good. The unit would have a GIA of 63sqm and 2sqm of storage space, which is compliant with the London Plan and NDSS requirements for a two-bedroom three-person unit. This is also true for both of the bedrooms. The unit is efficiently arranged with a well considered layout that minimises circulation space. The dual aspect would provide good levels of light and outlook given the extension is located at roof level. In addition, the dual aspect would assist with ventilation and mitigation against overheating.

- 53 The floor to ceiling height for the unit would be 2.4m, which would exceed the 2.3m required by the NDSS but falls short of the 2.5m specified by LPP D6 and DMP 32. This is a minor transgression and balanced against the otherwise good standard of internal accommodation, would not warrant the refusal of the application.
- 54 It is acknowledged that the residential unit lacks any private amenity space in the form of a private garden, balcony or roof terrace contrary to Standard 26 of the Housing SPG. This was accepted for the application granted planning permission in May 2017 (reference DC/17/100234) due to the provision of a communal amenity area located in the front garden (western) of the site. This area is currently rundown but its size is considered to be sufficient and any inadequacies in relation to the quality of the space and its upkeep and privacy can be overcome via the submission of a landscaping scheme to be secured by condition. This would also be beneficial to the existing residents of the building and would allay concerns that the provisions of an additional unit would result in an unsustainable demand on the small courtyard at the rear. The provision of the communal area would be required prior to the occupation of the unit.

Summary

- 55 The standard of the proposed residential accommodation is considered to be acceptable subject to the condition securing a landscaping scheme for the new communal space to the front.

7.3 URBAN DESIGN

General Policy

- 56 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.

Policy

- 57 LPP D3 and CSP 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. Further to this, DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 58 DMP 37 sets out a framework for the protection of the borough's non-designated heritage assets.
- 59 DMP 31 states that development proposals for alterations and extensions, including roof 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, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 60 Specific guidance for roof extensions, including additional storeys, is contained within the Alterations and Extensions SPD.

Discussion

- 61 The application property was a corner pub, which traditionally would be taller and grander than adjoining buildings. Viewed within its historic context, an additional storey raising the height of the building is considered appropriate. Furthermore, the townscape as it exists now features a variety of scales of development, including a five storey

building opposite, and therefore the increase in height is also appropriate within the existing context.

62 The overall design of the mansard roof extension reflects the traditional architectural language of the host building and would complement the original architecture. Officers support the matching of the proportions of the parapet characteristics and window detailing. Officers also support the use of the historically appropriate brickwork, white timber frame windows and slate roof. A condition is recommended to secure the quality of the materials and detailing.

63 As a mass, the proposed additional storey is of an appropriate scale that will relate comfortably to the host building. It is set in from all sides and would be predominantly concealed by the parapet when viewed from the street. To the rear of the building, the additional storey will be more visible. However, the rear elevation, has already undergone significant change so the extension is not considered to be unduly harmful.

Summary

64 The mansard style roof extension would represent a sensitive and historically appropriate addition to the property that respects the historic form and architecture of the host building. As such, the proposed development would sustain the significance of the building and would be compliant with DMPs 30, 31 and 37.

7.4 TRANSPORT IMPACT

General policy

65 The NPPF at paragraph 102 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

Policy

66 The Council supports the NPPF's guidance on promoting sustainable transport methods. For this reason, the Council requires residential development to provide cycle parking in accordance with the requirements of Table 10.2 of the London Plan.

67 CSP14 states that the Council will take a restrained approach to parking provision. LPP T6 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well-considered travel, plans aim to reduce reliance on private means of transport. Table 10.3 of the London Plan sets the maximum parking standards for residential development.

Discussion

68 No off-street parking has been proposed as part of this application. This was considered acceptable for the previous application despite the area not being subject to a CPZ. Officers have no reason to depart from this assessment given that parking stress is not known to be a particular concern within the surrounding area.

69 In order to comply with the London Plan the development requires that two cycle spaces would be provided. The proposed development includes the provision of storage for 8 cycle spaces, which would benefit the building as a whole. This over provision of cycle parking would provide an alternative to private car ownership and would compensate in part for the lack of off-street parking. The proposed 'spacepod' type of cycle store is generally not supported due to being contrary to Paragraph 8.5.3 of the London Cycling Design Standards, which requires that cycle parking facilities usable for all types of users. Therefore, an alternative type of cycle storage will be secured by condition.

- 70 The provision of a refuse store within the front garden is considered acceptable and would be secured by condition prior to the occupation of the residential accommodation.
- 71 The application site has a low PTAL of 2. Despite this officers do not have any concerns with the impact to transport or traffic capacity in the surrounding area given the modest number of units proposed.

Summary

- 72 The proposed development is considered acceptable in transport terms. Indicative details of the cycle and refuse storage demonstrate that the additional servicing requirement for the development could be accommodated within the site, subject to further details to be secured by condition. Parking stress within the surrounding area is not considered too significant and therefore any additional demand from a single unit could be accommodated.

7.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 73 The NPPF at 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. The following policies of the London Plan (D3), the Core Strategy (CP15) and the Local Plan (DMP 31 & 32), are considered relevant.

Policy

- 74 DMP 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.

Discussion

- 75 Due to the appropriate scale, mass and setback of the extension within the existing roof structure, the proposed development is not considered to result in any material impacts to the levels of light or outlook at the neighbouring properties.
- 76 The difference in height between the existing building and the surrounding lower set buildings, combined with the height of the existing parapet, would ensure that minimal (if any) overlooking would occur from the new residential unit. As such, the proposed development is considered acceptable in terms of the impact to the privacy of the neighbouring properties.
- 77 It is noted that no access from the extension is proposed to the exterior perimeter rooftop. This ensures that no overlooking is likely to occur from people occupying the perimeter roof as an amenity area. In order to secure this, a condition restricting access to the exterior roof will be attached.
- 78 Noise and vibration transference from the new dwelling to the existing residential accommodation below is subject to Part E of the Building Regulations and as such is not a material consideration for this application. The construction phase of the development is likely to cause some temporary disturbances to existing residents of the building, particularly those living at second floor level. This disturbance is likely to be short term due to the scale of development proposed. However, a condition is considered to be necessary to restrict works and deliveries related to the construction phase, to neighbourly hours.

Summary

79 The proposed development would not introduce any significant adverse impacts to the privacy and amenity of any of the neighbouring properties and therefore would be compliant with LPP D3, CSP 15 and DMPs 31 and 32.

7.6 FLOOD RISK

Policy

80 NPPF para 155 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 163 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.

81 CSP 10 requires developments to result in a positive reduction in flooding to the Borough

Discussion

82 The application site is located within Flood Risk Zone 3, however, no Flood Risk Assessment (FRA) has been submitted with the application. The EA have accepted that in this case an FRA is not required as the development is located at four floor level above the modelled tidal breach flood level.

Summary

83 The proposed development is considered acceptable in terms of flood risk vulnerability.

8 LOCAL FINANCE CONSIDERATIONS

84 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- 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
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

85 The weight to be attached to a local finance consideration remains a matter for the decision maker.

86 The CIL is therefore a material consideration.

87 £5,670 Lewisham CIL and £3,746 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

9 EQUALITIES CONSIDERATIONS

88 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.

89 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.

90 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.

91 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>

92 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

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

94 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

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

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

96 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.

97 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.

98 This application has the legitimate aim of providing an extension to an existing residential building. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

11 CONCLUSION

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

100 The proposed roof extension by virtue of its massing, size and setback within the existing roof footprint will result in a subservient extension to the host dwelling that will not affect the amenity of the neighbouring dwellings or the surrounding area. The conditions recommended securing the improvements and landscaping of the front communal area would be sufficient mitigation for the lack of private amenity space and therefore the standard of the residential accommodation is considered acceptable. Officers have not identified any adverse impacts to transport or flood risk vulnerability and therefore the application is recommended for approval, subject to the conditions set out below.

12 RECOMMENDATION

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

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) APPROVED PLANS

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

PL101 A; PL102 A; PL103 A; PL104 A; PL105 A; PL106 Rev A; PL107 Rev A; PL108 A; PL109 A received 22 December 2020;

PL110 A received 15 March 2021;

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

(a) Prior to the relevant part of the works a detailed schedule and specification including manufacturer's literature or detailed drawings (at a scale 1:5 or 1:10) in respect of the following:

- i) bricks, mortar and bond;
- ii) roofing materials;
- iii) windows;
- iv) and dormer details;

shall be submitted to and approved in writing by the Council.

(b) The works shall then be carried in full accordance with the approved details prior to the first occupation of the development, and retained thereafter.

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 and Policy 16 Conservation areas, heritage assets and the historic environment for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest of the Development Management Local Plan (November 2014).

4) REFUSE STORE

(a) Prior to first occupation of the residential unit hereby permitted, full design details of the refuse and recycling facilities and management shall be submitted to and approved in writing by the local planning authority.

(b) The facilities as approved under part (a) shall be provided in full prior to first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Policy 13 Addressing Lewisham waste management requirements of the Council's Core Strategy (2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

5) CYCLE STORE

(a) Prior to first occupation of the residential unit hereby permitted, full design details of the cycle parking facilities for eight cycles, shall be submitted to and approved in writing by the local planning authority.

(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

6) SOFT LANDSCAPING

(a) A landscaping scheme:

- I. including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits;
- II. partitions, gates or planting required to ensure acceptable levels of security and privacy are provided to the ground floor flat hereby approved;
- III. and details of the management and maintenance of the landscaping for a period of five years

shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 25 Landscaping and trees, DM Policy 30 Urban design and local character and DM 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

7) USE OF FLAT ROOF

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof of the existing building, shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

8) CONSTRUCTION HOURS & DELIVERIES

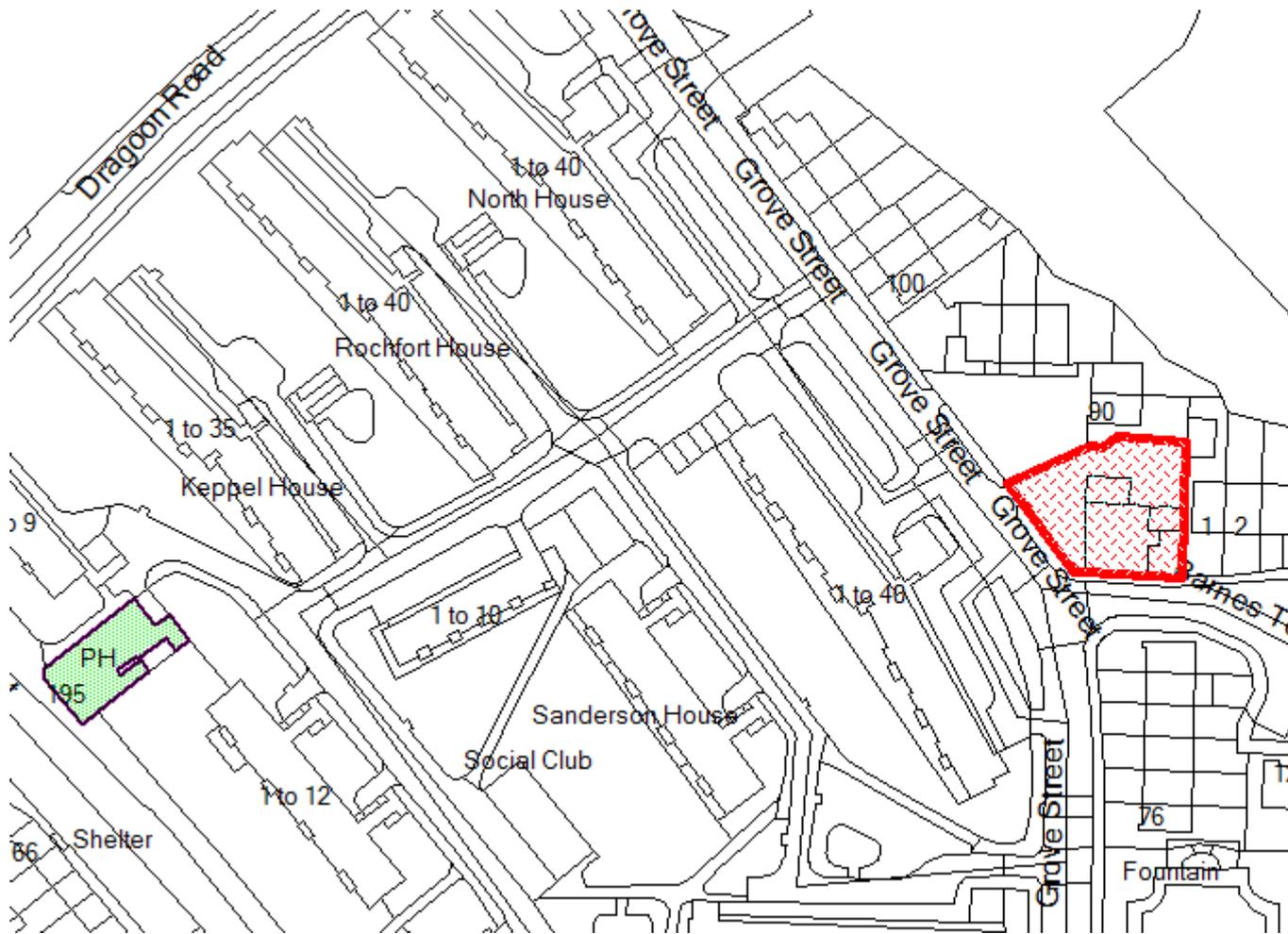
No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

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.



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Committee	PLANNING COMMITTEE B	
Report Title	208 Albyn Road, London, SE8 4QJ	
Ward	Brockley	
Contributors	Alfie Williams	
Class	PART 1	21 APRIL 2021

<u>Reg. Nos.</u>	DC/20/119777
<u>Application dated</u>	28.12.2020
<u>Applicant</u>	Ms Georgina Collins
<u>Proposal</u>	The construction of a mansard roof extension at 208 Albyn Road, SE8.
<u>Background Papers</u>	(1) Case File DE/112/208/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) The London Plan (March 2021)
<u>Designation</u>	Brookmill Road Conservation Area Brookmill Road Conservation Area Article 4 Direction Dartford Neighbourhood Forum Flood Risk Zone 2 Area of Archaeological Priority PTAL 4

1 SUMMARY

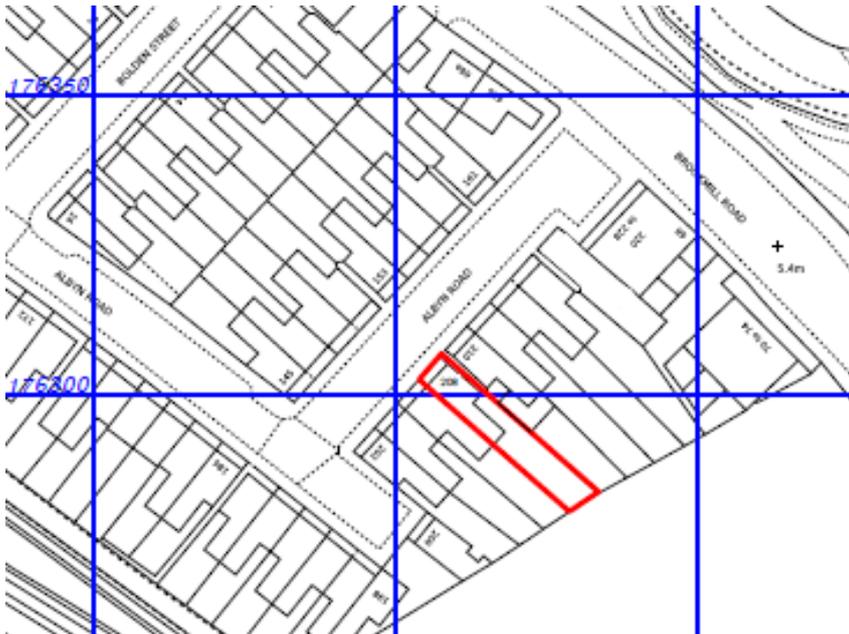
- 1 This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of an objection by the Brookmill Road Conservation Area Society.

2 SITE AND CONTEXT

Site description and current use

- 2 The application site is a two storey end-of-terrace property located on the south-eastern side of Albyn Road. The property is constructed from yellow stock brick under its original slate London 'butterfly' roof and chimney stacks. The roof is concealed behind the front façade by a continuous parapet with stucco cornice, obscuring the pitches and gutter, with only chimney stacks and pots visible above the corniced parapets. At the rear, the property features a two storey outrigger.

Figure 1. Site Location Plan



Character of area

- 3 The surrounding area is prominently residential and is comprised of similar Victorian terraces. Properties on this section of Albyn Road are characterised by London ‘Butterfly’ roofs. The butterfly roof is typical of this terrace and was used extensively in the 19th century and can be found throughout the Brookmill Road Conservation Area. This section of Albyn Road features a high proportion of Mansard extensions, which are visible above the unified parapet line. This includes the properties either side of the application site at Nos 206 and 210 Albyn Road.

Heritage

- 4 The property is within the Brookmill Road Conservation Area and subject to an Article 4 Direction, which restricts permitted development rights on elevations that front a public space. The character and appearance of the Brookmill Conservation Area is made up of modest, two storey houses, originally for working and lower middle classes, built mainly between 1850 and 1890. Houses are usually grouped in short terraces of two, four, six or eight in which the single house forms a unit within the larger entity of the street. Despite some differences in elevational treatment of the terraces, the character of the area is one of great architectural unity with the occasional accent at a street corner.
- 5 The property is not listed nor is it in the vicinity of a listed building.

Transport

- 6 The application site has a Public Transport Accessibility Level (PTAL) rating of four, where on a scale of 1-6, 1 is lowest and 6 is highest.

3 RELEVANT PLANNING HISTORY

- 7 DC/13/82547: The construction of a mansard roof extension to provide additional living space at 208 Albyn Road SE8 – granted 19 April 2013

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

8 The proposed development would see the construction of a mansard extension to the butterfly roof. The mansard would measure 7m deep x 5.1m wide with a height of 1.4m above the parapet. The front roof slope of the mansard would be set back 0.3m from the top of the parapet and would be pitched to match the angle of the neighbouring mansard at No.206.

9 The mansard would be clad in natural slate with a stock brick parapet wall at the flank facing no.210 (north-east). At the boundary with No.206 the extension would adjoin the existing stock brick parapet wall. The front and rear roof slopes would be punctuated with lead clad dormers housing timber sash windows. The dormers would be aligned with the existing windows on the elevation below.

4.2 COMPARISON WITH PREVIOUS SCHEME

10 The proposed mansard would be similar to the extension granted permission in 2013. Figure 2 below shows a comparison of the proposed front elevations for both applications.

Figure 2. Comparison between the proposed front elevations of the approved 2013 scheme (outlined in blue) and the application scheme (outlined in red).



5 CONSULTATION

5.1 APPLICATION PUBLICITY

11 Site notices were displayed and a press notice was published on 20 January 2021.

12 Letters were also sent to residents in the surrounding area and the relevant ward Councillors on 12 January 2021.

13 One representation was received in response expressing support for the application due to the beneficial impact to the streetscene of infilling the gap between adjoining mansards. The environmental benefits of reducing carbon emissions via increased energy efficiency where also noted.

5.2 INTERNAL CONSULTATION

14 The following internal consultees were notified on 11 January 2021.

15 Conservation: raised objections. See para 38-40 for further details

5.3 EXTERNAL CONSULTATION

16 The following External Consultees were notified on 11 January 2021:

17 Brookmill Road Conservation Area Society: Raised objections to the harmful visual impact to the Brookmill Road Conservation Area resulting from the visual intrusion of the mansard above the characteristic unified parapet line of the group of houses.

18 St Johns Society: Commented in support of the application on the grounds that mansards are an appropriate addition to this building typology and noted that there are precedents in the vicinity and throughout the conservation area. The society also noted that are environmental benefits in terms of conserving energy and extending an existing building rather than building on new land. See para for further discussion.

19 Deptford Action: did not respond.

6 POLICY CONTEXT

6.1 LEGISLATION

20 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).

21 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

22 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.

23 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.

24 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 aforementioned directions and 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

25 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

26 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

7 PLANNING CONSIDERATIONS

27 The main issues are:

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

7.1 PRINCIPLE OF DEVELOPMENT

28 The development plan is generally supportive of people extending or altering their homes. As such, the principle of development is supported subject to an assessment of the details.

7.2 URBAN DESIGN & HERITAGE IMPACT

General Policy

29 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.

Policy

- 30 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 31 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..
- 32 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.
- 33 LPP HC1 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.
- 34 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.
- 35 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.
- 36 DMP 31 states that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area.
- 37 The Alterations and Extensions SPD provides guidance for the design of mansard roofs but is clear that mansards may not always be an appropriate form of development within conservation areas.

Discussion

- 38 The Conservation Officer has raised an objection to the proposed addition of a mansard roof extension to a characteristic London roof on this building typology. The character of the Brookmill Conservation Area is defined in part, by the continuous parapet line of the terraces, embellished by cornice, and the regular rhythm of doors and window openings on the elevation below. Mansard extensions project above the parapet line, interrupting the roofline of the terrace and can detract significantly from the uniform character of the terraces along the street due to the additional bulk and height. This assessment of the harm is supported by recent guidance published by Historic England *Conserving Georgian and Victorian Terraced Houses* (July 2020).
- 39 However, the adjoining terrace of four properties comprising Nos 202-208 features two mansards, at Nos 204 and 206. The neighbouring property at No.210 also has a mansard extension, see Figure 3 below. The mansards at Nos 188 and 190 are also clearly visible from the front of the application site.

Figure 3. Front Elevation photograph of 204-214 Albyn Road (right to left)



- 40 Viewed within this context the terrace can no longer be considered to retain a unified roofline. The Council's Conservation Officer has assessed the proposed development within the context and identifies cumulative harm (in the range of less than substantial in NPPF terms) from the further loss of the historic roof form and the adverse impact to the original roofscape of the Conservation Area.
- 41 . The further loss of the traditional roof is acknowledged. However, the unified composition of the roofscape within the terrace has been lost. Officers considered that the beneficial impacts of infilling the gap in the roofscape and restoring a uniform roofline would outweigh any harm from the loss of the historic roof form. In coming to this assessment, Officers have also given weight to the planning history of the property, which includes a planning permission for a mansard roof, and the number of mansard roof extensions granted planning permission within the Brookmill Road Conservation Area, most recently at the neighbouring 210 Albyn Road in September 2020 (reference DC/20/117231).
- 42 The Alterations and Extensions SPD provides detailed guidance for the design of mansard extensions. The front roof slope of the mansard would project directly from the parapet, contrary to the guidance which states that mansards should be set back from the bottom of the parapet by 0.25m. This is in part to allow room for a parapet gutter. Deviation from the design guidance is required to ensure that the front slope would replicate the pitch and height of the adjoining mansard at No.206. This is considered to be the correct approach as otherwise the mansard would fail in the requirement to create a consistent roofline resulting in an incongruous and visually intrusive addition to the roofscape.
- 43 In all other respects the mansard would comply with the relevant guidance in terms of the retention of the V shape at the rear, the alignment of the windows and the use of historically appropriate materials. A condition is recommended securing the specification of the materials as well detailed drawings of the dormers, windows and rainwater goods.
- 44 In summary, the proposed addition of mansard roof would infill a gap in the roofscape, providing a consistent roofline for the terrace. It is therefore concluded that the current proposal would lead to no harm to the Brookmill Road Conservation Area. As such, it is not necessary to consider the public benefits of the scheme including any potential environmental benefits in terms of energy efficiency.

Summary

- 45 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 the Brookmill Road Conservation Area.

7.3 LIVING CONDITIONS OF NEIGHBOURS

Policy

46 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. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

47 This is reflected in relevant policies of the London Plan (D3), the Core Strategy (CP15), the Local Plan (DMP 31) and associated guidance (Alterations and Extensions SPD 2019).

Discussion

48 The main impacts on amenity relevant to this application potentially arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas.

49 The mansard extension would be constructed within the footprint of the existing roof resulting in a modest increase to the height of the building. As such, the proposed development is not considered to introduce any adverse impact to neighbours in terms of an increased sense of enclosure or a harmful reduction to daylight and sunlight to neighbouring rooms or gardens. The introduction of windows in the roof would provide views similar to those already established on the elevations below thereby preventing any material change to the privacy currently enjoyed by neighbours.

50 Summary

51 The mansard extension would not result in any material harm to the living conditions of the neighbouring properties.

7.4 FLOOD RISK

Policy

52 NPPF para 155 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 163 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.

53 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

Discussion

54 The application site is located within Flood Risk Zone 2. No Flood Risk Assessment has been submitted in support of the application. Despite this Officers are content that the development would be acceptable in terms of flood risk vulnerability given that the proposed development is confined to roof level.

8 LOCAL FINANCE CONSIDERATIONS

55 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- 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
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

56 The weight to be attached to a local finance consideration remains a matter for the decision maker.

57 The CIL is therefore a material consideration and the relevant form has been submitted.

9 EQUALITIES CONSIDERATIONS

58 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.

59 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.

60 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.

61 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>

62 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

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

64 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

65 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:

- Protocol 1, Article 1: Right to peaceful enjoyment of your property

66 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.

67 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.

68 This application has the legitimate aim of providing an extension to an existing residential property. The rights potentially engaged by this application, including Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

11 CONCLUSION

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

70 Overall, the proposed development is considered to preserve the character and appearance of the Brookmill Road Conservation Area, the living conditions of the neighbouring properties or flood risk vulnerability. Therefore, the application is recommended for approval subject to the conditions set out below.

12 RECOMMENDATION

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

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) APPROVED PLANS

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

2020_01_PL_001; 2020_01_PL_100; 2020_01_PL_110; 2020_01_PL_200;
2020_01_PL_210;

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

(a) No development shall commence on site until a detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following:

- i) natural slate roof covering;
- ii) dormers and windows (including sections);
- iii) external brickwork;
- iv) rainwater goods and guttering

has been submitted to and approved in writing by the Council.

(b) The works shall then be carried in full accordance with the approved details prior to the first occupation of the development, and retained thereafter.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design and 16 Conservation areas, heritage assets and the historic environment for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and 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 (November 2014)

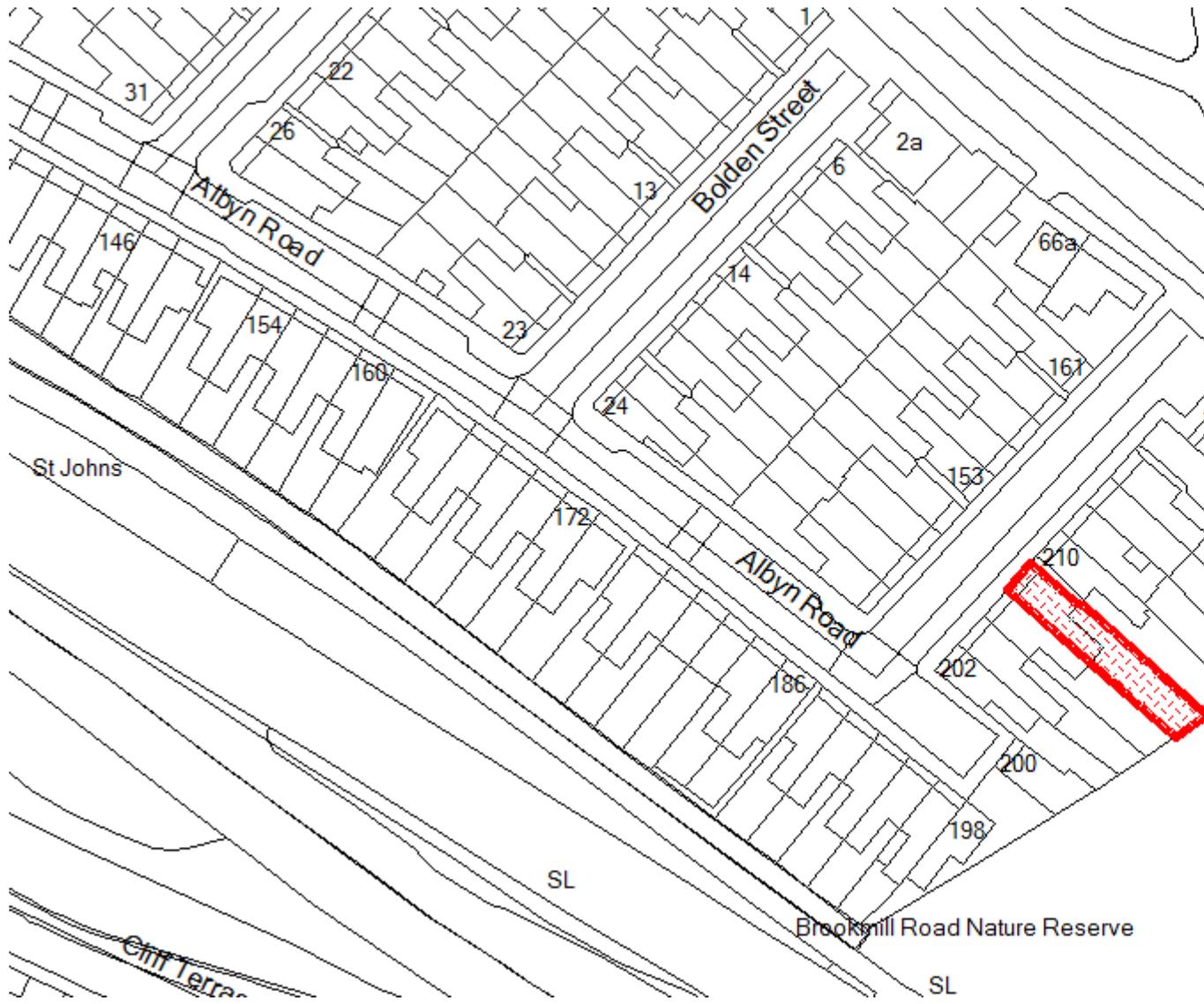
4) EXTERNAL PIPEWORK

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, or rainwater pipes, shall be fixed on the front elevation of the building.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design and 16 Conservation areas, heritage assets and the historic environment for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and 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 (November 2014) .

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.



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