

**LEWISHAM COUNCIL
PLANNING COMMITTEE B
THURSDAY 7 JULY 2022 AT 7PM
MINUTES**

IN ATTENDANCE: Councillor Jack Lavery (Chair) Councillor Billy Harding (Vice-Chair) Councillors, Will Cooper, Sian Eiles, Liz Johnston-Franklin, Luke Sorba, and Carol Webley-Brown.

MEMBER OF THE COMMITTEE JOINING THE MEETING VIRTUALLY
Councillors Onikosi and Sheikh.

APOLOGIES FOR ABSENCE Councillors Clarke.

NB: Those Councillors listed as joining virtually were not in attendance for the purposes of the meeting being quorate, any decisions taken, or to satisfy the requirements of s85 Local Government Act 1972.

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

ALSO PRESENT: Joy Ukadike (Legal Representative)

**Item
No.**

1 Declarations of Interest

Councillor Johnston-Franklin declared that she was one of the ward councillors for Ladywell. The first item Flat 1, 2 Algiers Road SE13 7JE, was in her ward. She knew the area well and had been in email correspondence with some of the residents and a planning officer. This correspondence had been prior to the current enforcement notice served on the property.

Councillor Sorba said that he was the ward councillor for 49 Pepys Road which was in his ward. He had not received communication from any of the relevant parties for this application.

2 Minutes

The Chair said that he had not been recorded as being present in the minutes of 12 April 2022. With this amendment it was:

RESOLVED that the minutes of the meetings of Planning Committee B held on 25 May and 12 April 2022 be confirmed and signed as accurate records.

3 Flat 1, 2 Algiers Road, SE13 7JE

- 3.1 The Planning Officer gave an illustrative presentation recommending the refusal of planning permission for the construction of a basement extension with patio to the rear of Flat 1, 2 Algiers Road, SE13, together with construction of a two storey rear extension.
- 3.2. The Committee noted the report and that the main issues were:
- Principle of Development
 - Urban Design
 - Residential Quality
 - Living conditions of neighbours
 - Impact on trees
- 3.3 A member asked whether there had been any further discussions with the developer about improving the situation after November 2021 when the basement was filled with concrete. The officer had not been the original case officer but said that there had been two subsequent applications whilst the enforcement notice was going through and both applications were refused.
- 3.4 The applicant did not attend the meeting.
- 3.5 The first person to make a representation in opposition to the application said that they were the owner of the property above the development. Everything that had been said at the meeting had been positive because the developer had not observed any of the legal obligations with regard to the development. She had been willing to collaborate with the applicant on finding a way forward but he had not been prepared to do this.
- 3.6 The second person to make a representation said that he objected to the development and agreed with the officers that it should be refused. He made the following points:
- Principle of Development: As stated in the enforcement notice issued on 11.02.21 the basement proposal *“is harmful to the surrounding amenity of this residential area. The creation of a basement flat at this site is considered to be an out of character, incongruent development”* It was a grotesque over-development of a viable 1bed garden flat for profit & sets a dangerous precedent.
 - Urban Design: The light wells were out of character and the proposed section indicated that the rear garden was to be extensively excavated below the existing level. This undermined neighbouring properties and had a negative impact on environment and drainage. Works impacting adjoining properties were subject to the Party Wall Act, which the developer had confirmed he would not engage in, just as he also refused to engage in planning and building control until residents’ intervention. There was no acknowledgment of what happens to the illegal underpinning, carried out without Building Control or Structural Engineer’s drawings.

- Residential Quality: A basement extension would result in sub-standard accommodation. It had clearly been designed as a multiple occupancy. A windowless room disingenuously labelled as a 'hobby room' with be marketed as a bedroom to maximise profit.
- Living conditions of neighbours: The adjoining owners had been subject to unacceptable trespass, nuisance, criminal damage, encroachment & vibration. The upper flat had been rendered uninhabitable & unsellable. Unnecessary and dangerous excavation would delay reinstatement of both properties. The properties needed to be reinstated urgently to bring an end to the unacceptable impact on the upper flat as a viable home, and on the adjoining neighbours.
- The boundary line was incorrectly drawn on plans to claim ownership of property belonging to No 2A.
- Impact on Trees – There was no mention in the application of the tree that was illegally removed from the site to enable excavation.

3.7 In conclusion the resident said that this application should not be granted. It represented the pursuit of profit above all else. That included the health, wellbeing, and livelihoods of those unfortunate enough to live alongside this property. Alongside the clear failure to satisfy the key planning considerations, and the appalling way in which the developer had acted to date, there could be no hope that he would undertake the proposed development in a safe and legal manner.

3.8 Councillor Johnston-Franklin said that recognising the situation in which the residents were living, she was pleased that planning officers had been very clear on this particular application. She said that it was unacceptable that residents had to go through the process for the meeting this evening. She hoped that in the future, there would not be any similar applications.

3.9 In response to a question about whether the applicant had shown any willingness to tidy the site after filling the basement with concrete, a resident said that the applicant had been asked to improve the site which was in a dreadful condition, but he had refused.

3.10 The Committee considered all written documents and the submissions made at the meeting and

RESOLVED unanimously that planning permission be **REFUSED** for the construction of a basement extension with patio to the rear of Flat 1, 2 Algiers Road, SE13, together with construction of a two storey rear extension, on the following grounds:

1. The proposals, by reason of insufficient information had not demonstrated that the proposed excavation of the basement would retain the structural integrity of the host property 2 Algiers Road and adjacent property 4 Algiers Road and therefore amount to harm to neighbouring occupiers amenity and the Ladywell conservation area, contrary to Policy HC1 'Heritage conservation and growth' of London

Plan (March 2021); Policy 15 'High quality design for Lewisham' and Policy 16 'Conservation areas, heritage assets and the historic environment' of the Core Strategy (June 2011); DM Policies 30 'Urban design and local character', Policy 31 'Alterations and extensions to existing buildings including residential extension' and 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); Section 4.8 Basements of Alterations and Extensions SPD (April 2019); and the provisions of the Ladywell Conservation Area SPD.

2. The proposed basement relies on a single narrow rear window to provide natural ventilation to the basement, therefore in the absence of a scheme of mechanical ventilation, or demonstration that the basement had adequate natural ventilation, the development would fail to provide sufficient natural ventilation to the basement space contrary to Paragraph 130 of the National Planning Policy Framework (2021); Policy 15 'High quality design for Lewisham' of the Core Strategy (June 2011); Policy 30 'Urban design and local character', Policy 31 'Alterations and extensions to existing buildings including residential extensions' of the Development Management Local Plan (November 2014); and the Alterations and Extensions SPD (April 2019).

4 49 Pepys Road, Lewisham, London, SE14 5SA

4.1 The Planning Officer gave an illustrative presentation recommending the grant of planning permission for the installation of external insulation with brick slip finish to the elevations that were facing the recently approved single storey rear extension and the wall between the two chimney breasts on the southern elevation of the house of 49 Pepys Road, SE14, together with alterations to the eaves and window sills.

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

- Principle of Development
- Urban Design and Impact on Heritage Assets
- Impact on Adjoining Properties

4.3 The applicant said that the application had been made to improve the energy efficiency and sustainability of their family home. They were committed to living in a manner that reduced waste and energy consumption whilst respecting and valuing built environment heritage assets. He raised the following points in support of his application:

- Architects had been appointed who had a strong record of providing good quality new and eco-retrofit housing, linked to the best possible ecological and sustainable construction techniques.
- Reducing the use of fossil fuels and making progress towards net-zero carbon emissions over the next 20 years was recognised by the government as essential and this was supported by Lewisham's stated policy of being carbon-neutral by 2030.

- The proposal sought to take modest steps towards this by insulating the elevations facing the new extension approved in 2021 and the wall between the two chimney breasts on the south elevation of the house. The front, rear and the return to the first chimney breast would remain untouched so that the appearance from the street would be largely unchanged. As part of this, the eaves of the flank wall would be amended. Window sills and heads would be pulled forward to match the existing. This programme of works to the house would deliver the best possible living environment and lower energy consumption for its occupants.
- All of this work would incorporate the highest quality materials and the design had been crafted to be appropriate to its context. A MVHR (Mechanical Ventilation Heat Recovery) system would be installed, which would maintain appropriate moisture levels throughout the house
- Conscious of the conservation area setting and informed by the surrounding historic environment, the finer detail of the proposal was developed following detailed pre-application advice from the LPA's officers. This constructive input was reflected in the use of material with particular attention to ensure the existing building fabric would be maintained to a high standard. A Heritage Statement had been undertaken and a proportionate assessment of the significance of the Telegraph Hill Conservation Area and the impact of the proposed scheme upon that significance.

4.4 In response to questions asked, members were advised that:

- The guarantee for the external wall installation was 25 years.
- An air source heat pump would be installed if the building could be insulated sufficiently.
- Internal insulation measures had been considered to the front and rear of the property. The risk of intersectional condensation was higher with internal insulation, and since the property had wooden floors the risk of rot was higher.

4.5 The Chair of the Telegraph Hill Society then addressed the Committee in opposition to the application. He raised the following points.

- The objection was based on policy; the trade-off, in a conservation area, between the insulation of a house and the preservation of the borough's heritage.
- Conservation societies hoped that the planning department would have had a wider consultation and agreed a general approach on this issue before any specific applications of this nature were received. This had not happened.
- It was appreciated that the applicant had attempted to retain the external appearance but the original building would be damaged.
- The property was one of an identical pair in the road. If the application was approved it would remove the uniformity of design. It was

considered that the changes were contrary to Development Policy 36B4.

- The conservation societies did not object to most of the work on the new build and the works that were not visible which would create most of the savings that the applicant wanted, without attacking the visible parts of the property. A householder should accept some obligations when buying a property in a conservation area, understanding that a Victorian property would be colder than a modern house.
- The Council should consider the convenience of an applicant against the public harm. The granting of this application would increase the number of homes with a fake façade. The application did not form enough public benefit to outweigh the public harm.
- If not rejected, the application should be deferred to review the wider implications so the authority could seek expertise as to whether redevelopment was appropriate.

4.6 The Planning Officer said that every application was assessed on its own merits, so if this application was approved it would not set a precedent for future applications. The application was considered suitable because the applicant had provided substantial evidence which showed the wider public benefits. If another application for external wall insulation was received without evidence, approval might not be recommended. The officer did not recommend deferral of the decision because a decision should not be suspended to allow further guidance to be established within the Council. Applications had to be assessed as they were received. It was considered that the applicant had provided enough evidence and information for it to be recommend for approval.

4.7 The Committee considered written submissions and the submissions made at the meeting and with one abstention, it was:

RESOLVED that planning permission be granted for the Installation of external insulation with brick slip finish to the elevations that were facing the recently approved single storey rear extension and the wall between the two chimney breasts on the southern elevation of the house of 49 Pepys Road, SE14, together with alterations to the eaves and window sills, subject to the conditions and informatives outlined in the report.

5 71 Peak Hill, SE26 4NS

5.1 The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the demolition of the existing garage at the rear of 71 Peak Hill, SE26 and the construction of a partially sunken two storey 1 x 1 bedroom separate dwelling, with associated cycle and bin storage.

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

- Principle of Development

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

5.3 In response to questions asked, members received the following information:

- The category grading of trees was explained.
- Officers did not have concerns regarding light to the basement bedroom and bathroom because the development was not wholly in the basement. The main habitable room was on the ground floor. The bedroom was double aspect with windows on both sides of the elevation which lead out to the large sunken courtyard which would allow ample light and ventilation to the room.

5.4 The agent was present but declined to make a presentation. Members did not have any questions.

5.5 The Committee considered written submissions and the submissions made at the meeting and;

RESOLVED that planning permission be **GRANTED** for the demolition of the existing garage at the rear of 71 Peak Hill, SE26 and the construction of a partially sunken two storey 1 x 1 bedroom separate dwelling, with associated cycle and bin storage subject to the conditions and informatives outlined in the report..

6. Merchant Taylors Almshouses, Brandram Road, London, SE13 5RX

6.1 The Planning Officer, said that the committee report incorrectly stated that pre-application advice had not been sought ahead of the submission of the application. Pre application advice had been sought and provided. He gave an illustrative presentation recommending the grant of planning permission for two applications:

DC/22/126213: Construction of a new vehicular access into the site on Brandram Road and alterations to the boundary walls and the provision of new sliding gate and brick piers, the reconfiguration and resurfacing of the existing car parking area providing a total of nine car parking spaces and two blue-badge spaces, the relocation of the bin store, and the reconfiguration of the pedestrian pathway through the site with installation of low-level lighting to the Merchant Taylors' Almshouses, Brandram Road SE13; and

DC/22/126214: Listed Building Consent for the construction of a new vehicular access into the site on Brandram Road and alterations to the

boundary wall with the provision of new sliding gate and brick piers, the reconfiguration and resurfacing of the existing car parking area providing a total of nine car parking spaces and two blue-badge spaces, the relocation of the bin store, and the reconfiguration of the pedestrian pathway through the site with installation of low-level lighting to the Merchant Taylors' Almshouses, Brandram Road SE13.

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

- Principle of Development
- Urban Design and Heritage Impact
- Impact on Adjoining Properties
- Transport

6.3 Ms Barrett, the planning agent for the application, made a presentation.

- The long complex history of the site was explained.
- The objections were addressed. With regard to the visibility and odour of the bin store, it was sensitively designed, timber clad, it would not be against the boundary wall and located to enable easy access for the refuse vehicles. With regard to the grassed area to the south of the site, the applicant would make good this area as this had always been his intention.
- The soft and hard landscaping, the car parking and lighting had already been approved.
- The design of the gate had been amended in collaboration with officers to make it flush with the wall. Without this gate, the whole development would not be able to comply with building regulations and would be unsafe for residents in an emergency.
- The application had the support by the Blackheath Society, planning officers conservation officers and highways officer.

6.4 A resident living close to the premises then made a presentation objecting to the application. She said highlighted the following issues :

- The top of one of the pillars and both of the grade 2 listed wrought iron gates had been knocked off by one of the lorries turning into the site, proving that the turning circle was not wide enough.
- The design and location of the bin store was intrusive. The walls surrounding the store would not be high enough and could be seen by the public from the pavement and residents opposite in Brandram Road. It should be moved to an area less obvious to the public.
- There was not enough car parking and the alms residents would be parking in Brandram Road where residents had suffered from years of parking difficulties caused by large vehicles entering the site.
- A dropped kerb would be included by the new vehicle access gate. This should not be a slight dropped kerb but there should be a clear physical end to it so that there was a road into the site. This would ensure that pedestrians paused before crossing the area.

6.5 The Planning Officer said that the bin store was set slightly below the existing wall. The height of the wall could not be increased because it would have a knock on heritage impact by increasing the height of a grade 2 list wall. It may be visible from some of the upper floors in Brandram Road, but residents would have to be looking down to see the bins. It would not be visible to the average person walking past. The bins were located on the opposite side of the road to residents living in Brandram Road and officers did not believe that it would have an impact on their living conditions. The parking lay out for the site had already been approved.

6.6 Following discussion, members received the following information.

- The applicant would address the concerns raised by the objector with regard to the dropped kerb, by ensuring that the design was as safe as possible. The design would be agreed through a section 278 highways agreement. This would be the opportunity for officers to engage and ensure that the design for the kerb was as safe as possible.
- The storage bins were located as far away from residents as possible and close to the gates for access by the refuse vehicles.
- The applicant intended to install electric charging points.
- The reclaimed bricks would be used on the development. They could not be used to increase the height of the wall around the bin store because harm would be caused due to a loss of continuity. This was something the conservation officer was keen to avoid.
- There had been exhaustive discussion regarding the location of the bin store. It could not be located elsewhere because there was root protection zones for all the trees to the right of the new proposed gates,

The Committee considered written submissions and submissions made at the meeting, and **RESOLVED** unanimously that planning permission be **GRANTED** for the following application subject to the conditions and informatives set out in the report.

DC/22/126213: Construction of a new vehicular access into the site on Brandram Road and alterations to the boundary walls and the provision of new sliding gate and brick piers, the reconfiguration and resurfacing of the existing car parking area providing a total of nine car parking spaces and two blue-badge spaces, the relocation of the bin store, and the reconfiguration of the pedestrian pathway through the site with installation of low-level lighting to the Merchant Taylors' Almshouses, Brandram Road SE13; and

The Committee considered written submission and the submissions made at the meeting, and **RESOLVED** unanimously that listed building consent be **GRANTED** for the following application subject to the conditions and informatives set out in the report.

DC/22/126214: Listed Building Consent for the construction of a new vehicular access into the site on Brandram Road and alterations to the

boundary wall with the provision of new sliding gate and brick piers, the reconfiguration and resurfacing of the existing car parking area providing a total of nine car parking spaces and two blue-badge spaces, the relocation of the bin store, and the reconfiguration of the pedestrian pathway through the site with installation of low-level lighting to the Merchant Taylors' Almshouses, Brandram Road SE13.

The meeting ended at 8.22 pm.

Chair