



Planning Committee B

Report title:

49 Pepys Road, Lewisham, London, SE14 5SA

Date: 30 June 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Telegraph Hill

Contributors: Thomas Simnett

Outline and recommendations

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 two objections from amenity societies'.

Application details

Application reference number(s): DC/21/124050

Application Date: 25 October 2021

Applicant: RDL LTD on behalf of Mr Manyon

Proposal: Installation of external insulation with brick slip finish to the elevations that are 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 cills.

Background Papers:

- 1) Submission Drawings
- 2) Submission technical reports and supporting documents
- 3) Internal consultee responses

Designation: PTAL 6a
Air Quality
Telegraph Hill Article 4(2) Direction
Telegraph Hill Conservation Area
Not a Listed Building

Screening: Not applicable

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is a two storey over basement semi-detached Victorian property located on the eastern side of Pepys Road. The property is constructed of London stock bricks and features a raised front entrance and timber sash windows throughout the property. The front garden of the property has been converted to form a drive with hardstanding and the front boundary removed. To the rear, the property has a three storey outrigger.

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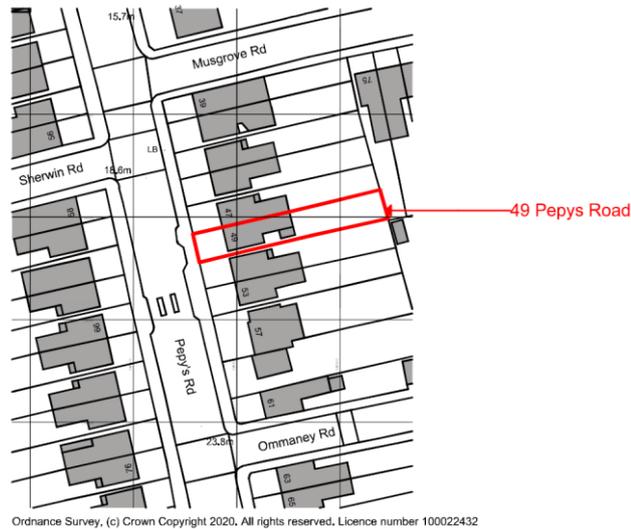


Figure 1 – Site location plan

Character of area

- 2 The surrounding area is residential in nature, it is surrounded by dwellings of a similar age, scale, and style.

Heritage/archaeology

- 3 The site is located within the Telegraph Hill Conservation Area and is subject to an Article 4 Direction. The building is not listed and neither is it in the vicinity of any listed buildings.

Surrounding area

- 4 Edmund Waller Primary School is located approximately 0.2 miles to the west of the application site. There are a number of shops, takeaways and public houses within a 0.5 mile radius. Pepys Road also fronts onto local Park which is a short walk from the application property.

Local environment

- 5 The site falls within Air Quality Management Area.

Transport

- 6 The site has a Public Transport Accessibility Level (PTAL) score of 6a on a scale of 1-6b, 1 being lowest and 6b the highest.
- 7 Nunhead Railway Station is located approximately 0.6 miles to the south-west of the application site, New Cross Gate Railway Station is located 0.4 to the north-east and Brockley Railway Station is located 0.7 miles to the south-east.

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2 RELEVANT PLANNING HISTORY

- 8 **DC/21/120544:** Installation of replacement triple glazed timber windows and doors in the front, rear and side elevations at 49 Pepys Road, SE14. **Granted**
- 9 **DC/21/120542:** The construction of a single storey extension to the rear of 49 Pepys Road SE14, together with the installation of PV panels to the rear roof slopes, the excavation of a front lightwell and the installation of new timber windows at lower ground floor level. **Granted**
- 10 **PRE/20/119114:** side and rear extension, external insulation and PV panels in order to achieve a high standard energy efficient house.
- 11 **PRE/21/121163:** Proposal for external rendering to improve energy efficiency.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 12 This application relates to the Installation of external insulation with rendered finish to the elevations that are 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 cills.

4 CONSULTATION

4.1 APPLICATION PUBLICITY

- 13 Site notices were displayed on 02 December 2021 and a press notice was published on 01 December 2021.
- 14 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors and the Telegraph Hill Society on 14 December 2021.
- 15 2no number responses received, comprising 2no objections from the Telegraph Hill Society and Hatcham Society.

4.1.1 Comments in objection from amenity society

Comment	Para where addressed
Inappropriate use of render	Para 49
All other options should be explored first internally	Para 59
External works should be fully justified	Paras 55 to 58
Further damage to fabric of the building	Para 52

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Unsure how the proposed development would work around the eaves, chimney, cills and lintels	Para 51
Effectiveness of side elevation EWI	Para 57

- 16 A number of neutral comments relating to non-material planning considerations were also raised as follows:
- 17 Comments were received that were concerned that should this development be approved it would act as a precedent for further EWI to buildings in conservation areas in the borough. Officers consider that each application is assessed on its own merits and other examples within the borough would not act as a precedent for other developments that may cause a greater degree of harm;
- 18 Comments were received which stated that the council should develop a SPD for developments such as this to guide householders in the borough. This is not considered material to this planning application.
- 19 Comments were also received that stated EWI should only be used on properties outside of a conservation area, however, each application is assessed on its own merits.

4.2 INTERNAL CONSULTATION

- 20 The following internal consultees were notified on 14 December 2021.
- 21 Conservation: raised concerns. See para 47 to 49, and 52 for further details.

5 POLICY CONTEXT

5.1 LEGISLATION

- 22 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).
- 23 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

5.2 MATERIAL CONSIDERATIONS

- 24 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.
- 25 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.
- 26 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

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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.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

27 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)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

28 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

29 London Plan SPG/SPD:

- Character and Context (June 2014)

5.6 OTHER MATERIAL DOCUMENTS

- Telegraph Hill Conservation Area Character Appraisal

6 PLANNING CONSIDERATIONS

30 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

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31 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.

32 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.

6.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSET

General Policy

33 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

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

35 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.

36 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.

Policy

37 London Plan Policy D3 states that development proposals should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character. It should also be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.

38 London Plan Policy HC1 states that proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

39 Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.

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- 40 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.
- 41 DMLP 30 - Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Lewisham Core Strategy and Lewisham DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. DM Policy 33 seek to protect and enhance the Borough's character and street frontages through appropriate and high-quality design.
- 42 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.
- 43 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.
- 44 DMP 37 sets out a framework for the protection of the borough's non-designated heritage assets.
- 45 Further guidance is given in Telegraph Hill Conservation Area Character Appraisal.

Discussion

- 46 This application proposes to install external wall insulation (EWI) to insulate the elevations that are facing the new extension approved in 2021 (DC/21/120542) and the wall between the two chimney breast on the southern elevation of the application property. The front, rear and the return to the first chimney breast would remain untouched as to reduce its impact on the appearance of the property and street scene.
- 47 Conservation officers raised concerns that the EWI would obscure the historic brickwork which is the predominant building material in the conservation area (this is noted in CAA section 4 – Materials, and rendering is identified as causing harm where it occurs in section 5), as well as details such as eaves and window lintels and cills.
- 48 The proposed development would increase the depth of the external walls to where it is proposed, as a result the eaves would need to be extended to ensure water dispersal falls away from the insulation. Conservation officers consider this would have an impact on the appearance of the building particularly due to the repeated patterns and symmetry of the built form in this conservation area. This impact would largely be confined to the side elevation, as the EWI to the rear would largely not be visible from public viewpoints.
- 49 The original proposals included the use of render to the parts of the property which would feature EWI, however after consultation with Conservation officers and comments received from the two amenity societies who have objected Officers negotiated the use of brick slips which would be soot washed to ensure it would have the same appearance as the rest of the property.
- 50 Officers consider the use of brick slips which would have the same Flemish bond and brickwork to match the existing to be acceptable, the applicant has provided photos of example brick slips which have been soot washed to maintain a similar colour to the host

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property. Officers will condition that samples on site are produced of the soot washed brick slips to ensure they have the same visual appearance as the host property . This would likely this result in the alteration being less visible in views along the side of the house and from Ommaney Road to the south.

- 51 The applicant has also supplied detail drawings of the eaves, window reveals and corner detailing to ensure the proposed development would result in the same visual appearance as the existing property. These details will be secured by way of condition to ensure a high quality development.
- 52 There were concerns raised by conservation officers and the amenity societies about the impact the proposed EWI would have on the physical fabric of the building as it could result in increased moisture between the brickwork and EWI. While Officers do recognise the impact that moisture could have on the original fabric of the building it is unlikely to result in significant impact on the host property in terms of impact on the Conservation Area, also given the application property is not a listed building we are unable to condition for moisture monitoring as requested by the Conservation Officer.
- 53 The agent undertook a fabric options assessment to understand the potential benefit EWI could have on CO₂ emissions and space heating demand.
- 54 Officers consider that the current proposal would lead to less than substantial harm to the Telegraph Hill Conservation Area, at the low end of the scale.
- 55 Paragraph 196 of the NPPF requires such harm to be weighed against any public benefits of the proposal, giving great weight to the asset's conservation. The applicant has provided substantive evidence of the wider public benefits of the proposal. They undertook a Fabric Options Assessment for the property to assess the impact that the proposed external wall insulation would have in this case. The report concluded that the proposed external wall insulation would reduce the space heating demand and CO₂ emissions for space heating by 29.3% compared to the existing windows.
- 56 Officers therefore conclude the public benefits do outweigh the less than substantial harm identified above, while according great weight to the asset's conservation. In February 2019 the London Borough of Lewisham declared a climate emergency and committed to make the borough carbon neutral by 2030. According to the carbon emissions baseline for Lewisham from the Department of Business Energy and Industrial Strategy published in 2019, domestic natural gas is the biggest cause of CO₂ emissions in the borough.
- 57 Although the proposed external wall insulation on the side elevation would be partly visible from public viewpoints, the estimated savings of CO₂ emissions for space heating at the application property of 29.3% is a significant number which clearly demonstrates there is a wider public benefit that outweighs the harm caused by its visibility.
- 58 To put this figure into some context the modelling shows that 2,490 kg of carbon will be saved per year if a gas boiler is used for space heating or 5,825kg of carbon if an Air-Source Heat Pump (ASHP) is used for space heating. This is the equivalent to the annual carbon emission of 1.5 cars and 3.4 cars in the UK, respectively.
- 59 Within the applicant's supporting statement, it also details other internal measures which are proposed that do not require planning permission, which would improve the thermal efficiency of the host property as part of a whole house approach. This includes loft hatch insulation, loft insulation and rafter insulation; floor void insulation; installation of

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an efficient Mechanical Heat Ventilation Recovery system to ensure that moisture levels remain acceptable in the property; blocking up the chimneys to reduce drafts. Given that these details cannot be secured Officers are unable to place any weight on these amendments in the planning balance.

60 While this application does not include an ASHP, the CO₂ savings is still considered to be significant to conclude that the clear public benefits would outweigh the less than substantial harm to the conservation area identified above.

6.2.1 Urban design and impact on heritage assets conclusion

61 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 Blackheath Conservation Area.

62 Officers consider the proposals design to be acceptable subject to conditions.

6.3 IMPACT ON ADJOINING NEIGHBOURS

General Policy

63 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.

64 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMP32).

Discussion

65 Given that the proposal is for external wall installation and the siting of it, the proposal is not considered to have an unacceptable impact on neighbouring amenity.

6.3.1 Impact on adjoining neighbours conclusion

66 Officers consider the proposed development would not give rise to an unacceptable impact on the living conditions of neighbours subject to conditions

6.4 SUSTAINABLE DEVELOPMENT

7 LOCAL FINANCE CONSIDERATIONS

67 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

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

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

69 The CIL is not liable and is therefore not a material consideration.

8 EQUALITIES CONSIDERATIONS

70 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.

71 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.

72 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.

73 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>

74 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

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- Equality information and the equality duty

75 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>

76 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.

9 HUMAN RIGHTS IMPLICATIONS

77 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

78 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.

79 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.

80 This application has the legitimate aim of improving the thermal efficiency of the application property. 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.

10 CONCLUSION

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

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82 Officers consider that although there would be less than significant harm in the lower end of the scale as a result of the proposed development, the EWI has clear public benefits which has been stated in the supporting documents that would outweigh this harm.

83 Given the Council has declared a climate emergency and committed to make the borough carbon neutral by 2030, the proposal would make a worthwhile contribution to this while also limiting the harm to the conservation area.

11 RECOMMENDATION

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

11.1 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:

Cover Letter (Received 27 October 2021)

Supporting Statement; Heritage Statement; Drawing Register; Design and Access Statement; Hygrothermal Performance Assessment; Assessment of the impacts of EWI; 8383-A3-P_002 REV C - South Elevation (between chimney breasts) Eaves Detail 8383-A3-P_002 REV C - South and East Elevation Eaves Detail; 8383-A3-P_004 REV C - Proposed Window Reveal; 8383-A3-P_005 REV B - Corner Detail; 8383-A3-E_001 REV E - OS Map; 8383-A3-E_002 REV D - Existing Site Plan; 8383-A3-E_100 REV C - Existing Lower Floor Plan; 8383-A3-E_101 REV C - Existing Upper Floor Plan; 8383-A3-E_102 REV C - Existing Roof Plan; 8383-A3-E_200 REV B - Existing Section A-A; 8383-A3-E_300 REV C - Existing Front Elevation; 8383-A3-E_301 REV C - Existing Rear Elevation; 8383-A3-E_302 REV C - Existing Side Elevation; 8383-A3-E_900 REV C - Existing Photographs; 8383-A3-P_001 REV D - Proposed Site Plan; 8383-A3-P_100 REV H - Proposed Lower Floor Plan; 8383-A3-P_101 REV G - Proposed Upper Floor Plan; 8383-A3-P_102 REV G - Proposed Roof Plan; 8383-A3-P_200 REV F - Proposed Section A-A; 8383-A3-P_300 REV G - Proposed Front Elevation; 8383-A3-P_301 REV G - Proposed Rear Elevation; 8383-A3-P_302 REV H - Proposed Side Elevation (Received 31 May 2022)

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.

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3) MATERIALS

Prior to the installation of the brick slips, a sample panel of the soot washed brick slips to be used on the building shall be provided and submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

4) ARCHITECTURAL DETAILS

There hereby approved eaves detail, window reveal detail and corner detail as set out in dwg nos. 8383-A3-P_002 REV C - South Elevation (between chimney breasts) Eaves Detail 8383-A3-P_002 REV C - South and East Elevation Eaves Detail; 8383-A3-P_004 REV C - Proposed Window Reveal; 8383-A3-P_005 REV B - Corner Detail shall be carried out in accordance with the approved details.

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

11.2 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, positive discussions took place which resulted in further information being submitted.

12 BACKGROUND PAPERS

- 1) Submission Drawings
- 2) Submission technical reports and supporting documents
- 3) Internal consultee responses

13 REPORT AUTHOR AND CONTACT

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