



Planning Committee A

Report title:

156 Erlanger Road, London, SE14 5TJ

Date: 24 August 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Telegraph Hill

Contributors: Max Curson

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 as the Telegraph Hill Society has objected to the proposal.

Application details

Application reference number(s): DC/22/125477

Application Date: 14 February 2022

Applicant: MEA Studio Ltd on behalf of Mrs Jones

Proposal: The construction of a rear dormer roof extension together with the insertion of one rooflight to the rear roof slope, two rooflights to the outrigger roof slope and two rooflights to the front roof slope and replacement of the existing roof tiles at 156 Erlanger Road, SE14.

Background Papers: (1) Submission drawings
(2) Submission technical reports and documents
(3) Statutory consultee responses

Designation: PTAL 3
Air Quality
Telegraph Hill Article 4(2) Direction
Telegraph Hill Conservation Area
Not a Listed Building

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is a two storey mid-terrace Victorian single family dwellinghouse located on the western side of Erlanger Road, between the junctions with Kitto Road and Arbutnot Road. It has an outrigger typical of those built during the Victorian period. The rear of the property is not visible from the public realm.

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Figure 1: Site Location Plan

Character of area

- 2 The surrounding area is predominantly residential in nature and characterised by terraces of two storey Victorian dwellings.
- 3 The application site lies within the Telegraph Hill Conservation Area and is subject to an Article 4 Direction. It is not a listed building nor located in the vicinity of one.

Surrounding area

- 4 There are a number of shops, takeaways and public houses located within a 500m radius.

Local environment

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5 The site falls within Air Quality Management Area.

Transport

6 The site has a Public Transport Accessibility Level (PTAL) score of 3 on a scale of 1-6b, 1 being lowest and 6b the highest. Nunhead Railway Station is located 515m to the south-west of the application site.

2 RELEVANT PLANNING HISTORY

7 There is no recent relevant planning history for the application site.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

8 The construction of a rear dormer roof extension together with the insertion of one rooflight to the rear roof slope, two rooflights to the outrigger roof slope and two rooflights to the front roof slope and replacement of the existing roof tiles at 156 Erlanger Road, SE14.

9 The proposed roof extension would be 3m in width, 1.7m in height and 3m in depth. The extension would be set up approximately 0.7m from the eaves and set down 0.4m from the ridge of the roof. It would be set in 0.3m from its northern shared boundary and 1.6m from its southern shared boundary. The proposed extension would be clad in anthracite standing seam zinc, with a dark grey Sika single ply roof. Sliding double glazed windows would be inserted into the rear of the roof extension.

10 The front rooflights would be a low profile style and 0.6m in width and height.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

11 No pre-application advice was sought from the council regarding the proposal.

4.2 APPLICATION PUBLICITY

12 Site notices were displayed on 01 March 2022 and a press notice was published on 23 February 2022.

13 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 24 February 2022.

14 One objection from a neighbouring resident was received.

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4.2.1 Comments in objection

Comment	Para where addressed
Loss of privacy.	55

15 The Telegraph Hill Society also objected to the proposal. Their comments in objection are set out in the table below.

Comment	Para where addressed
Heritage impact of front rooflights.	43-45
The fish-scale tiling should be retained at the roof of the bay.	47
Rear rooflight is too large.	46
Heritage impact of the rear dormer.	41, 42
Heritage impact of rear rooflights	46

4.3 INTERNAL CONSULTATION

16 Conservation: this case falls below the current threshold for conservation input and the heritage matters were considered by the case officer with reference to Policy and Guidance.

4.4 EXTERNAL CONSULTATION

17 No external consultees were notified given the nature of the application.

5 POLICY CONTEXT

5.1 LEGISLATION

18 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).

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

5.2 MATERIAL CONSIDERATIONS

20 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.

21 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.

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22 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.

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

23 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

24 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

5.6 OTHER MATERIAL DOCUMENTS

- Telegraph Hill Conservation Area Character Appraisal (2008)

6 PLANNING CONSIDERATIONS

25 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

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26 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.

27 The London Plan (LP) 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.

6.1.1 Principle of development conclusions

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

6.2 URBAN DESIGN & HERITAGE

General Policy

29 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.

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

31 DMLP 30 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, Core Strategy and DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

32 DMP 31.2(b) states rear extensions will generally not be permitted where any part is higher than the height of the ridge of the main roof, or where the extension is not set back into the roof slope, and goes on to say that rooflights on the front roof slope of buildings should be considered in relation to the design of the dwelling and harmonise with the street-scene. DMP 31.3 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. DMP 31.4 states that, where the roofline or party walls of buildings or terraces are exposed to long views from public spaces, a roof extension in any form that would have an obtrusive impact on that view would not be permitted.

Heritage Policy

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

34 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.

35 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

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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.

- 36 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.
- 37 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.
- 38 Paragraph 5.8.3 of the Alterations and Extensions SPD sets out that a modern, high quality design is generally more successful when considering a large rear roof extension. A contemporary design is more likely to contrast with the property and maintain the original integrity of the dwelling. The use of high quality materials is expected and the highest quality of design must be employed. In conservation areas, roof extensions should be set in significantly from the eaves, ridge and sides and be no wider than two thirds of the original, unextended roof.
- 39 Para 5.5.4 gives additional guidance for roof lights in Conservation Areas. If site specific circumstances dictate roof lights would be acceptable, they should be set within the middle third of the roof slope, and remain well away from chimneys, gables, ridges, verges and eaves. If more than one rooflight is proposed, they should be set at the same level and evenly spaced or in line with fenestration below.
- 40 Further guidance is given in Telegraph Hill Conservation Area Character Appraisal (2008).

Discussion

- 41 The proposal would comply with DMP 31: the roof extension is not subject to long views from public spaces and would not have an obtrusive impact. It would not harm the architectural integrity of the group nor or be an incongruous element. The proposed extension would also comply with the guidelines set out in the Alterations and Extensions SPD, being appropriately sited and less than two thirds the width of the existing roof. The extension would be sufficiently set it from the ridge, eaves and boundary of the roof to appear subordinate to the host building. The extension would be of typical appearance and finished in high quality zinc cladding. Officers note that there are a number of rear dormers in the surrounding context, with six examples (at Nos.128, 134, 172, 174, 176, 178) on Erlanger Road, and three (Nos. 67, 71 and 73) nearby on Kitto Road. In addition, permission was granted for a rear dormer roof extension at No.150 Erlanger Road in February 2020 (DC/19/114695).
- 42 Officers note that the Telegraph Hill Society objected to the design and materials of the dormer extension. Officers are satisfied that the design and material proposed are of exceptional high quality. The proposed extension would successfully achieve a clear distinction between the historic and contemporary, maintaining the integrity of the original dwelling.
- 43 DMP 31 states that rooflights in the front roof slope of buildings should be considered in relation to the design of the dwelling and harmonise with the street-scene. The Alterations and Extensions SPD states rooflights should be located within the middle third of the roof slope, aligned with windows or other features on the elevations below.

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- 44 Two rooflights would be inserted into the front roof slope. Officers note that the Telegraph Hill Society objected to the proposed front rooflights. During the lifetime of application, the proposal was amended to reduce the width of the rooflights from 1m in width to 0.6m, in order to comply with the guidance of the Alterations and Extensions SPD. The rooflights would be a low profile style and would align with the windows at the front elevation. Officers note that there are numerous properties with front rooflights located in the surrounding context with examples at seven nearby properties (Nos. 178, 176, 174, 172, 134, 132, and 128). Furthermore, permission was recently granted for the insertion of two rooflights into the front roofslope of No.150 (DC/19/114695). In reaching this decision, the Officer's Report noted that the provision of two rooflights would be in keeping with a number of properties within the terrace and as such is not objectionable. Whilst the rooflights would be located in the upper rather than middle third of the roof, this is considered acceptable as the majority of rooflights on the surrounding properties are located on the upper third.
- 45 Officers are satisfied that, given the position, style, modest size, and the prevalence of rooflights on the surrounding properties, the rooflights would not have a material impact on the character and appearance of the host building or Telegraph Hill Conservation Area.
- 46 Two rooflights would be inserted into the outrigger roofslope and two rooflights would be inserted into the rear roof slope. Rear and outrigger rooflights are characteristic of Erlanger Road with examples at 30 properties between Nos. 108 to 184 (evens). Given the prevalence of rear and outrigger rooflights the proposed rooflights are not considered to lead to any harm to the character and appearance of the Telegraph Hill Conservation Area.
- 47 The existing roof would be replaced with Welsh natural slate. The Telegraph Hill Society requested that the fishtail tile pattern on the roof of the bay is maintained and the typical terracotta ridge tiles are retained or replaced like for like. The Applicant was receptive to retaining the fish-scale style tiling and provided amended plans. The property does not have its original decorative terracotta ridge tiles. The fish-scale pattern and Welsh natural slate would be secured via condition.
- 48 Officers consider that the current proposal would lead to no harm to the Telegraph Hill Conservation Area. The Telegraph Hill Society has raised objections on the basis of cumulative harm. As Officers have found no harm would arise from the proposal, DMP 36.4(b), which refers to cumulative harm, is not engaged.

6.2.1 Urban design and heritage conclusion

- 49 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 Telegraph Hill Conservation Area.

6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 50 NPPF para 130 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 185 it states decisions should ensure that new development is

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appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions

- 51 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).
- 52 The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly.
- 53 Daylight and sunlight are generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context

Discussion

- 54 The extension would be set well in from the eaves, ridge and boundary of the roof. This would prevent any impact to the amenity of the adjoining properties through loss of daylight/sunlight, outlook or increased enclosure.
- 55 Officers note that an objection received related to the loss of privacy as a result of increased overlooking to the gardens Waller Road. The extension would be located at least 37m from the rear boundary of the rear gardens at Waller Road. This distance is sufficient to prevent any material impact via increased overlooking to the properties on Waller Road. Aerial imagery suggests that there is tree coverage at the rear of the gardens at both Erlanger and Waller Road which provides further mitigation. Furthermore, the proposed roof extension would not provide a materially different line of sight to those already available from the first floor windows at No.156. The proposed roof lights would face skywards and would not provide a view of any residential properties. As such, the proposal would not impact the privacy of the neighbours.
- 56 The application site would remain a single family dwelling. No material increase in noise and disturbance above a typical family level is expected.

7 LOCAL FINANCE CONSIDERATIONS

- 57 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).
- 58 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 59 The CIL is therefore a material consideration.
- 60 This application does not attract CIL.

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8 EQUALITIES CONSIDERATIONS

- 61 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.
- 62 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.
- 63 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.
- 64 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>
- 65 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
- 66 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>

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67 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

68 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

69 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.

70 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.

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

10 CONCLUSION

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

73 In reaching this recommendation, Officers have had regard to the comments and objections that were received regarding this application and consider the proposed development would preserve the host building and Telegraph Hill Conservation Area in terms of design. No harm would arise to the living conditions of neighbours, therefore Officers recommend that planning permission should be granted subject to the imposition of suitable planning conditions.

11 RECOMMENDATION

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

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11.1 CONDITIONS

1) 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) DEVELOP IN ACCORDANCE WITH APPROVED PLANS

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

2110-XP-010; 2110-XP-020; 2110-XP-100; 2110-XP-101; 2110-XP-102; 2110-XP-200; 2110-XP-201; 2110-XP-202; 2110-XP-203; 2110-XP-300. Received 14 February 2022.

2110-PA-020 (Rev A); 2110-PA-101 (Rev A); 2110-PA-102 (Rev A); 2110-PA-300 (Rev A). Received 13 April 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.

3) MATERIALS

(a) The development shall be constructed in those materials as submitted namely:

- i) Zinc cladding and capping and a single ply roof covering for the dormer extension.
- ii) Low profile "Conservation style" rooflights.
- iii) Welsh natural slate roof tiles and in a fish-scale style on the roof of the bay window.

and in full accordance with drawings: 2110-PA-020 (Rev A); 2110-PA-101 (Rev A); 2110-PA-102 (Rev A); 2110-PA-300 (Rev A). Received 13 April 2022.

(b) The scheme shall be carried out in full accordance with those details, as approved.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

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

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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

- 75
- 1) Submission drawings
 - 2) Submission technical reports and documents
 - 3) Statutory consultee responses

13 REPORT AUTHOR AND CONTACT

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