



Planning Committee A

Report title:

156 ERLANGER ROAD, LONDON, SE14 5TJ

Date: 5 January 2023

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 below proposal subject to the conditions and informatives.

This report has been brought before Committee for a decision due to the submission of more than three objections.

Application details

Application reference number:	DC/22/127839
Application Date:	2 August 2022
Applicant:	Mr Jones
Proposal:	The construction of a single storey rear and side extension, installation of replacement windows at the front and rear elevations and hard and soft landscaping works to the front garden including installation of cycle and refuse stores at 156 Erlanger Road SE14.
Background Papers:	(1) Submission Drawings (2) Submission technical reports and supporting documents
Designation:	PTAL 3 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 relates to a three-storey, mid-terraced single family dwellinghouse located on the eastern side of Erlanger Road. The dwellinghouse is located directly adjacent and facing Telegraph Hill Lower Park.
- 2 The dwellinghouse is predominantly constructed from brick and masonry surrounding the windows and front doors. The subject site has a loft space, typical of houses on the terrace, with the loft previously converted with two rooflights to the rear roof slope.
- 3 The houses in the terrace are of the same style with bay windows, recessed porches and stepped access with garden frontage. The wider area is residential in nature, and the surrounding development of a similar age and style in terms of its Victorian nature.

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Figure 1 – Site location plan

Heritage/archaeology

- 4 The site is located within the Telegraph Hill Conservation Area and is subject to the Article 4 Direction, but it is not a listed building or in the vicinity of one.
- 5 It is within Telegraph Hill Conservation Area Character Area 1, comprised of the original Haberdashers Estate development characterised by strong uniformity of design, a restricted materials palette and a high level of architectural detailing. The front gardens provide a verdant setting to the setting of the houses. No. 156 is identified in the Conservation Area Character Appraisal as making a positive contribution to the Conservation Area; hence it is considered to be a Non-Designated Heritage Asset (“NDHA”). It should be noted that within the Telegraph Hill Conservation Area Character Area 1 the majority of buildings are identified as ‘positive buildings’.

Surrounding area

- 6 The surrounding area is predominately residential in nature and is comprised of a mix of buildings which were built around the 19th and 20th Centuries, all of distinctive style and form.
- 7 There are a number of shops, takeaways and public houses located within a 500m radius.

Transport

- 8 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.

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2 RELEVANT PLANNING HISTORY

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

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

10 The construction of a single storey rear and side extension, installation of replacement windows at the front and rear elevations and hard and soft landscaping works to the front garden including installation of cycle and refuse stores at 156 Erlanger Road SE14.



Figure 2 – Architects mock-up of proposed rear extension

Extension

11 The rear extension aspect of the extension would have a flat roof, with the side extension featuring a fixed roof light that slopes down to the boundary wall. The proposed side extension aspect would be 9.6m deep. The proposal uses a stepped design, with the rear portion of the extension extending 0.6m further than the side extension aspect. The northern boundary wall, measured from the neighbouring ground level with No. 154, would be 2.7 metres high, and 3.4 metres high on the boundary with No. 158.

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- 12 Two rooflights are also proposed to be installed, two placed at the far end of the extension and the other above a portion of the side extension. The latter rooflight slopes down to the boundary wall.
- 13 It is also proposed to install a green roof surrounding the rooflights. The green roof is proposed to be a mix of sedum.
- 14 The extension would be clad in charred timber boards with a fixed window and glazed sliding doors to the rear to access the garden.
- 15 It is also proposed to replace 14 windows with new timber framed painted double glazed sliding sash windows at the front, rear and side of the dwelling.

Front Garden Works

- 16 It is proposed make changes to the hard and soft landscaping of the front garden, along with some small additional excavation to create a slightly larger lightwell and to enlarge the steps down to the existing door in the current lightwell. The plans also include installation of a bin and bike storage. The bin and bike storage would be a lockable timber structure, measuring 1.35m in height. The bin and bike storage shed would be located flush against the boundary with 154 Erlanger Road. A replacement front wall would be provided, built of London stock brick and capped in natural stone.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

- 17 There was no pre-application engagement undertaken by the applicant with the general public.

4.2 APPLICATION PUBLICITY

- 18 Site notices were displayed on 17 August 2022 and a press notice was published on 17 August 2022.
- 19 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 9 August 2022.
- 20 Five responses were received, comprising of four objections from the public, and one comment from the Telegraph Hill Amenity Society. It is noted in the Telegraph Hill Amenity Society that they have stated they would not seek to take the issue to Committee.

4.2.1 Objections from members of the public

Comment	Para where addressed
Urban Design and Impact on Heritage Assets	
Concern regarding massing and scale	Para 46
The proposals neither respects nor compliments the form, setting, period,	Para 51

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architectural characters or detailing of the original property	
Living Conditions of Neighbours	
Loss of privacy	Para 64 and 65
Loss of daylight and sunlight	Para 64 and 65

21 The Telegraph Hill Society have not objected to the proposal. Their detailed comment letter is provided for Members as part of the usual pack of unredacted comments, but in summary they have made comments in respect of (1) urban design and in particular the materials, loss of the side bay window and harm to the character of the Conservation area; (2) impact on the living conditions of neighbours in regard to the installation of the proposed skylight on the side extensions and (3) the detail regarding the bin and bike store located in the front garden.

4.3 INTERNAL CONSULTATION

22 Conservation officers not consulted as the 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.

5 POLICY CONTEXT

5.1 LEGISLATION

23 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).

24 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

25 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.

26 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.

27 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.

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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

28 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

29 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

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

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.

Discussion

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.

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6.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS

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 would 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 CSP 15 repeats the necessity to achieve high quality design. 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.
- 40 DMP 30 states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. DMP 31 says alterations and 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, and 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. It also says the Council will consider proposals for building extensions that are innovative and have exceptional design quality where these are fully justified in the design and access statement.

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- 41 DMP 36 is clear that permission will not be granted where new development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials, nor for development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the conservation area. DMP 37 says the Council will protect the local distinctiveness of the borough by sustaining and enhancing the significance of non-designated heritage assets.
- 42 The Alterations and Extensions SPD gives more detailed guidance on principles to follow for successful extensions, with specific advice for development in Conservation Areas. Para 2.4.5 highlights that acknowledgment of character is of great importance when proposing developments within or adjacent to Conservation Areas or Listed Buildings and that in such cases, proposals will need to be in keeping with the scale, mass and detailing of the area, including the use of sympathetic materials. It goes on to say, at para 3.3.3, that this does not mean an exact replication of the existing character: the proposal should reflect and respect the original character and respond to its features. This is echoed at para 3.5.2, which says innovative, high quality and creative contemporary design solutions are welcomed by the Council, as long as the design carefully considers the architectural language and integrity of the original building and avoids any awkward jarring of building forms. Para 3.5.3 goes on to say, amongst other things, that original buildings need not to be replicated, however, if this is the proposed approach then the works will need to be carried out to a very high quality like in every other occasion.
- 43 Further advice on materials is given in para 3.5.6, which says those can either match the building materials of the original building or be of a contrasting, modern aesthetic. Either way materials should be of the highest quality, be durable and should weather well.
- 44 Specific guidance for single storey rear extensions in conservation areas says, at para 4.2.5, that a modern, high quality design can be successful in achieving a clear distinction between old and new. In some locations, a traditional approach can be a more sensitive response to a historic building, particularly where homogeneity of groups of buildings is part of their special character. Elsewhere it says rear extensions should:
- Remain clearly secondary to the host building in terms of location, form, scale and detailing
 - Respect the original design and architectural features of the existing building.
 - On semi-detached properties extensions should not extend beyond the main side walls of the host building. Have a ridge height visibly lower than the sill of the first floor windows (2 to 3 brick courses) and roof pitches to complement those of the main building.
- 45 Further guidance is given in the Telegraph Hill Conservation Area Character Appraisal.

Discussion

- 46 Officers note that a general theme within the objections submitted against the proposal state concerns in regard to the volume and scale of the proposed extension. Officers note that the property features a large three storey dwellinghouse, with a large backyard. When assessing the proposed extension in relation to the size of the host building and backyard, Officers are comfortable that it is an acceptable size and does not overwhelm nor dominate the building. The size and mass of the extension, with the rear protruding less than 3m from the existing rear wall, ensures that the integrity of the host building

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would still be maintained, and the extension would clearly read as a contemporary, secondary extension. Officers view the proposed extension as modest and respectful in regard to the size of the host dwelling and rear garden and does not extend past the rear building line in a way that would make the proposed extension appear as dominant or incongruous. The coverage on the plot is seen as appropriate.

- 47 Objections were also submitted about the 'wrap around' design and how that could potentially make a negative contribution to the character of the area. As mentioned above, Officers view the design of the extension as appropriate and is viewed as subordinate to the host property, particularly given the proposed high-quality design.
- 48 Officers draw attention to Section 1.3.3 which states that "*the guidance addresses many types of houses, roofs and buildings. However, there will always be schemes which fall outside the context of this document.*" In those instances, a reasonable and pragmatic approach will be taken. The Council is supportive of innovative and creative solutions that demonstrate the necessary high quality of design and detailing." One of the purposes of the SPD is to encourage high quality design, which, given the site context, the proposed extension would achieve.
- 49 A general theme of the objections submitted were also in regard to objectors viewing the proposal as not enhancing the special characteristics of the Telegraph Hill Conservation Area. The Telegraph Hill Society also commented that the proposal conflicts with DM Policies 31.2d, 31.3f and 36.4a in regard to the proposal's use of contemporary materials which do not tie in with the Victorian features of the host dwelling. Officers note that as per the Alterations and Extensions SPD, that modern, high quality extensions within conservation areas can be successful in ensuring extensions distinguish themselves from the host building while retaining some traditional elements. In this instance, Officers consider the use of contemporary charred timber to complement the heavy use of London Stock Brick for the remainder of the property. This clearly illustrates a modern extension that Officers believe ties in with the building and makes a clear distinction between the older host dwelling and the newer, modern extension. Additionally, the proposed extension also features a roof comprising of a mix of a sedum green roof and double glazed roof lights. A fixed window and a glazed sliding door would be inserted into the rear of the extension. A number of windows on both the front and rear elevations would also be replaced with new timber framed painted double glazed sliding sash windows to match those existing. The use of these features further solidifies the extension as a secondary and modern addition to the host dwelling.
- 50 In regard to the removal of the side bay window, the Telegraph Hill Society has commented that the removal of these side bay windows should be avoided. Officers agree, where the bay is visible from the public realm. While the removal of this side bay window would result in the loss of a historic feature that has a degree of architectural interest, the impact on the character and appearance of the Conservation Area is negligible given the side bay window cannot be viewed from the public realm.
- 51 As mentioned in para 5, the property is considered as an NDHA i.e., the host property makes a positive contribution to the conservation area. NPPF para 203 requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The effect of this proposal would be to erode the NDHAs architectural integrity somewhat and that of the group of terraces within which it falls. In this case the significance of the NDHA is moderate (being a NDHA that makes a positive contribution to a CA, within a consistent group of NDHAS) and the scale of harm or loss is less than

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substantial given the proposal relates largely to the proposed rear extension, with Officers considering this affecting, the NDHA in a minimally visible location. It is arguable that the NDHA values predominantly evident within the Jerningham Road area of the Telegraph Hill Conservation Area relates to the front elevations of properties and their uniformity as a group of terraces. Therefore, in regard to the works on the front elevation windows and front garden, these are considered to be minor, with the works still respecting the uniformity of the terrace, with the only noticeable difference being the addition of the bin and bike store. As such, the impact of the proposal on the NDHA is also considered acceptable.

- 52 Several of the existing windows on the front and rear facades would also be replaced as part of the proposal. The features of the proposed replacement double glazed windows would match the existing in terms of style, materials and proportions and would be inserted into existing window openings. The majority of the new sliding sash windows would replace the existing non-original casement windows, with the exception of a large fixed glass window located on the rear façade. The meeting rail height for the windows, at 35mm, is suitable in regard to being in a Conservation Area. The windows would also be finished in white to match the existing, and all other aspects of the windows are considered appropriate. As such, the replacement timber windows would be of sufficient quality and as such are considered acceptable.
- 53 It is also proposed to install a cycle and bin storage shelter area in the front boundary area of the property. This would measure 1.35m in height. Detailed drawings of these have not been provided, but the heights are marked on the proposed front elevation (drawing 2110-P2-300 Rev B), along with the plan showing their location on the drawing showing the existing and proposed front garden plan (drawing 2110-P2-400 Rev A). That is sufficient at this stage for Officers to make an assessment as to their overall impact. The storage facilities are proposed to be constructed out of timber slats, and be located behind a taller hedge to aid in concealing the bin and cycle store.
- 54 DMP36.B.6 states that bin stores and bike sheds are required to be located at the side or rear of properties where a front access to the side and rear exists. Section 6.5 of the Alterations and Extensions SPD expands on cycle storage. It states that if it is not possible to place the parking within the building footprint, it should always be placed as close as possible to the main entry/exit points. It should not be sited where it would obstruct passing pedestrian or vehicles and should not have a negative impact on the amenity of neighbouring occupiers in terms of loss of daylight/outlook and should be obtrusive.
- 55 Section 6.6.5 of the Alterations and Extensions SPD specifies that low 'bike boxes' are the only suitable option for front gardens because they can sit unobtrusively behind garden walls and hedges. While the cycle and bin store would be located in the front boundary, the use of timber slats in its construction is considered to be unobtrusive and overall does tidy up the front boundary. The agent has also confirmed that they intend to grow a taller hedge in front of the store to aid in concealing this, which Officers consider a positive; however, more details are required of both the stores themselves and the boundary treatment (both to the front and to the sides). It may be a low wall with planting behind is a more appropriate option, and therefore conditions are proposed, notwithstanding the information already provided, which would secure further details of (1) the cycle and refuse stores; (2) boundary treatments; and (3) hard and soft landscaping.
- 56 Additionally, in regard to planning balance, Officers give weight to the public benefit of installing a cycle store in the front garden as a means of promoting cycling as a form of sustainable transport. Cycling is a realistic means of transport from the host dwelling

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given its location with good access to a range of services, facilities and employment opportunities. The proposal could help facilitate more frequent bicycle use by the occupants which Officers consider to be a considerable positive in reducing use of cars.

57 Officers consider that the nature of the Conservation Area would not be detrimentally impacted by these proposals. The applicant has made considerable efforts to ensure that the proposed extension would enhance the architectural character of the area, by adopting a sharp, contemporary language, which would complement the host building and contribute to the ongoing architectural richness of the area.

58 The design of the extension is contemporary, and it is felt that the style, scale and materials would complement the application property. The materials proposed are deemed to be of a high quality and a condition will secure further details of them and other architectural details.

6.2.1 Urban design and heritage matters conclusion

59 Officers consider that the proposed design of the rear and side extension to be of a high quality and would complement the host property's traditional design and successfully demarcates it visually as a contemporary addition. Sufficient information has been provided to satisfy Officers that the changes to the front garden would not harm the character of the Conservation Area and further details would be secured by condition.

60 Officers, having regard to the statutory duties in respect of Conservation Areas 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 or appearance of Telegraph Hill Conservation Area, the NDHA and surrounding NDHAs.

IMPACT ON ADJOINING NEIGHBOURS

General Policy

61 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.

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

Discussion

63 Objections have been received relating to loss of privacy, daylight and sunlight. Officers are satisfied that no unacceptable impacts would arise in this regard. The northern boundary wall is 2.65m above the neighbouring ground level, and the southern boundary wall is 3.42m above the neighbouring ground level. The fixed roof light above the side extension also slopes down to the northern boundary wall.

64 The northern boundary wall is considered acceptable as it would not exceed the maximum height that would be allowed under permitted development, which is a 2m high wall or fence measures from the original ground level of the host property. As such, this would not exacerbate any effect in regard to privacy and daylight/sunlight effects.

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- 65 The southern boundary wall is also considered acceptable at 3.42m above the neighbouring ground level, particularly given the proposed extension projects 2.4m into the rear garden. When assessing this slight increase with the neighbouring property at 158 Erlanger Road, Officers note the impact that is already evident from the existing three storey high, approximately 7m deep rear outrigger on the site, which arguably has a larger impact on the living conditions on the neighbours than what the southern extension wall would have. As such, Officers consider any further effects in regard to daylight, sunlight and amenity to be less than minor.
- 66 Additionally, no windows are proposed along any of these walls, only rooflights and the window and door treatments on the rear façade wall. As such, both the occupants of 156 Erlanger Road would only have views to the rear of their garden from the windows on the rear façade, not to adjoining properties and as such not increasing overlooking.
- 67 Within their comments, the Telegraph Hill Society also commented on the installation of a skylight in the side extension and questioned its impact on the neighbouring property at No. 154 Erlanger Road.
- 68 Due to the siting of the proposed extension and separation distances to properties adjoining the rear, Officers are satisfied there would be no unacceptable impacts on neighbouring amenity from the installation of a skylight. Skylights are a typical residential feature, and that the lights of the extension would be pointing in a downwards direction, so would not cause a material impact to the neighbour.
- 69 The use of the proposed extension, forming part of the ground floor single-family dwellings, is unlikely to result in levels of noise significantly above or beyond normal residential use. The construction phase of the development is likely to cause some temporary disturbances to neighbouring properties; however, this is likely to be short term due to the scale of the development proposed. Officers do not consider it appropriate, given the scale of development, to place a condition restricting the construction works and deliveries; however, an informative would be added linking to the Council's Good Practice Guide for construction sites.

6.2.2 Impact on Adjoining Neighbours Conclusion

- 70 Officers consider due to its siting the extension would not have an unacceptable impact on adjoining neighbours.

7 LOCAL FINANCE CONSIDERATIONS

- 71 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).

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

- 73 The CIL is not liable and is therefore not a material consideration.

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8 EQUALITIES CONSIDERATIONS

74 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.

75 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.

76 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.

77 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>

78 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

79 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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80 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

81 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

82 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.

83 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.

84 This application has the legitimate aim of undertaking an extension to the host 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

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

86 The proposed development would relate sensitively to the host property and Officers consider it would be read as a high quality contemporary addition to the host building, which would not cause any harm to the Telegraph Hill Conservation Area nor to any NDHAs within the area. It would also not result in harm to the living conditions of neighbouring residents. Approval is recommended subject to the conditions below.

11 RECOMMENDATION

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

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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:

2110-P2-400 REV A;
2110-P2-300 REV B;
2110-P2-201 REV B;
2110-P2-202 REV B;
2110-P2-203 REV B;
2110-P2-301;
2110-P2-020;
2110-P2-100;
2110-P2-101;
2110-P2-102;
2110-XP-010;
2110-XP-020;
2110-P21-500;
2110-P21-501.

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

No development above ground shall commence on site until a detailed schedule, including manufacturer's literature where appropriate, of all external materials and finishes, windows and external doors and roof coverings to be used on the extension have been 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), Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character, DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas and DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest.

4) USE OF FLAT ROOF

Notwithstanding the Town and Country Planning (General Permitted

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Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extensions on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roofs shall be carried out, nor shall the roof areas 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, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

5) REFUSE, RECYCLING AND CYCLE STORE

(a) Prior to the commencement of above ground works, full further details of the proposed refuse, recycling and cycle store shall be submitted to and approved in writing by the local planning authority; such details shall include plans, elevations and materials.

(b) the facilities as approved under part (a) shall be provided in full prior to 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 the recycling and refuse in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character, DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest. and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011). In regard to the cycle store, the above policies generally apply as well as ensuring the site provides for the adequate provision for cycling parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy.

6) BOUNDARY TREATMENT

(a) Notwithstanding the details hereby approved, further details of the proposed boundary treatments including walls and fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) The approved boundary treatments shall be implemented prior to occupation of the hereby granted extension and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30

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Urban design and local character of the Development Management Local Plan (November 2014).

7) **HARD AND SOFT LANDSCAPING**

(a) A detailed proposal of hard ((including a detailed schedule of all hard surface materials including manufacturer's literature as appropriate and details of the permeability of or drainage from hard surfaces) and soft landscaping to the front garden to include details (numbers, species) of any trees, hedges or plants to be retained or proposed 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 hereby granted extension.

(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.

(c) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the hereby granted extension.

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 and DM Policy 30 and 36 of the Development Management Local Plan (November 2014).

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

13 **REPORT AUTHOR AND CONTACT**

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