

Committee	PLANNING COMMITTEE C	
Report Title	SECOND FLOOR FLAT, 4 DARTMOUTH TERRACE SE10 8AX	
Ward	Blackheath	
Contributors	Monique Wallace	
Class	PART 1	06 MAY 2014

Reg. Nos. DC/13/84220

Application dated 15.07.2013

Applicant Derek Walker Associates Ltd on behalf Mr I Quicke

Proposal Application for an extension of time for the implementation of the planning permission dated 27 July 2010 (DC/10/74295) for the formation of a terrace at second floor level to the side of 4 Dartmouth Terrace SE3, incorporating the construction of a glass balustrade, alteration of an existing window opening to provide an access door and the installation of a fire escape ladder.

Applicant's Plan Nos. AD-01, 02, 3, 05, 06 & 07.

Background Papers

- (1) Case File LE/213/4/TP
- (2) Adopted Unitary Development Plan (July 2004)
- (3) Local Development Framework Documents
- (4) The London Plan

Designation

- PTAL 2
- Areas of Special Character
- World Heritage Buffer Zone
- Area of Archaeological Priority
- Blackheath Conservation Area
- Not a Listed Building
- Unclassified

1.0 Property/Site Description

- 1.1 4 Dartmouth Terrace is a three storey semi-detached house that has been divided into flats. The application relates to the 2nd floor apartment.
- 1.2 Dartmouth Terrace sits within the Blackheath Conservation Area and comprises a group of five substantial detached three storey and semi-basement villas facing onto the Heath. No. 4 features an original two storey and semi-basement side element which houses the original upper ground floor entrance and is set back from the front and rear elevations. The side element has a flat roof with a deep parapet.

2.0 Planning History

2.1 Planning permission was granted on the 27th July 2010 for the formation of a terrace at second floor level to the side of 4 Dartmouth Terrace SE3 incorporating construction of balustrades, alteration of an existing window opening to a door to provide access to the flat roof and the installation of a fire escape ladder. Ref. DC/10/74295.

2.2 The development involved the use of the flat roof of the side addition and included the addition of a glass balustrade behind the existing parapet wall. The submitted drawing showed an escape ladder located at the rear of the terrace, accessed via an escape gate. The permission was subject to the following conditions:

Details of the glazed balustrade, showing the escape gate to the rear, together with details of the escape ladder (including appearance, location, materials) shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

The proposed new door shall be provided in timber construction within the existing external reveals.

2.3 No details have been submitted in relation to the conditioned details.

3.0 Current Planning Applications

The Proposals

3.1 The current proposal is an application for an extension of time for the implementation of the planning permission granted on 27/7/10 for the formation of a terrace at second floor level to the side of 4 Dartmouth Terrace incorporating construction of balustrades, alteration of an existing window opening to a door to provide access to flat roof and the installation of a fire escape ladder.

Supporting Documents

3.2 The plans and documents submitted for the current application are exactly the same as those submitted for the scheme approved in July 2010 which comprise front, rear and side elevation drawings, and a second floor plan.

3.3 The proposed works involve lowering the flat roof to the original level and the addition of a glass balustrade behind the existing parapet. A fire escape ladder is proposed to be located at the rear, accessed by a gate.

3.4 A Heritage Statement was also submitted with the application documents.

4.0 Consultation

4.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.2 Site notices were displayed and letters were sent to residents within 3, 4 and 5 Dartmouth Terrace and the relevant ward Councillors.

4.3 Four neighbouring residents have objected to the proposal on the following grounds:

- The reference to the development as a fire escape is a fabrication as the intended use is as a terrace.
- The terrace would result in overlooking into the neighbouring properties and gardens.
- The fire escape and balustrade would be visually obtrusive, out of keeping with the appearance of the Conservation Area.
- A black metal balustrade would look better than the proposed glass.
- The use of the proposed terrace would result in additional noise and disturbance to neighbours.

(Letters are available to Members).

5.0 Policy Context

Introduction

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

5.2 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

5.3 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Ministerial Statement: Planning for Growth (23 March 2011)

5.4 The Statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth

should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

- 5.5 The statement further sets out that local authorities should reconsider at developer's request, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms.

Other National Guidance

- 5.6 The other relevant national guidance is:

Design (March 2014)

Flexible options for planning permissions (March 03 2014)

London Plan (July 2011)

- 5.7 The London Plan policies relevant to this application are:

Policy 5.3 Sustainable design and construction

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Core Strategy (June 2011)

- 5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Unitary Development Plan (July 2004)

- 5.9 The saved policies of the UDP relevant to this application are:

URB 3 Urban Design

URB 6 Alterations and Extensions

URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas

HSG 4 Residential Amenity

Blackheath Conservation Area Appraisal and Supplementary Planning Document (2007)

- 5.10 This document sets out the history and spatial character of the area, identifying areas of distinct character, advises on the content of planning applications, and gives advice on external alterations to properties within the Blackheath Conservation Area. The document provides advice on repairs and maintenance and specifically advises on windows, satellite dishes, chimney

stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details.

Emerging Plans

5.11 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.12 The following emerging plans are relevant to this application.

Development Management Local Plan

5.13 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public is expected to conclude in Summer 2014, with adoption of the Local Plan expected to take place in Autumn 2014.

5.14 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.

5.15 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies. These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.

5.16 The following policies hold significant weight as no representations have been received regarding soundness, and are considered to be relevant to this application:

DM Policy 31 Alterations/extensions to existing buildings

5.17 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and are considered to be relevant to this application:

DM Policy 22 Sustainable design and construction

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, listed buildings, schedule of ancient monuments and registered parks and gardens

6.0 Planning Considerations

6.1 The main issues to be considered in respect of this application are:

- b) Principle of development
- c) Design and Conservation
- d) Impact on Adjoining Properties

Background – Principle of Development

6.2 The provisions for applications for the extension of the time limit within which planning permissions may be implemented originally came into effect on 1 October 2009 and the provisions were subsequently amended to enable unexpired planning permissions granted on or before 1 October 2010 to be extended for a further 3 years. The permission which is the subject of the current application was granted on 27 July 2010.

6.3 As the current application is for an extension of the period for implementation, the development will by definition have been judged to be acceptable in principle at an earlier date. Accordingly, in considering this application, attention should be focused on development plan policies and other material considerations (including national policies) which may have changed significantly since the original grant of permission. Applications to extend the time limit for permissions may be refused where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably.

6.4 In the case of this application, the original planning permission was granted in July 2010, before the adoption of Lewisham's Core Strategy, the current London Plan and before a number of the policies within the UDP were deleted. Currently, planning applications must be considered against Lewisham's Development Plan which comprises the Core Strategy, saved policies of the UDP and the London Plan 2011.

6.5 Even though local planning policies have been overhauled since the adoption of the London Plan, Core Strategy and the deletion of a number of UDP policies, the policies which are relevant to consideration of the current application remain largely the same.

6.6 The saved UDP policies which still form part of the Development Plan for Lewisham were the same policies that the application was judged upon when planning permission was granted in July 2010. The relevant UDP policies are set out below.

6.7 URB 3 Urban Design states that the Council will expect a high standard of design in new development or buildings and in extensions or alterations to existing buildings, whilst ensuring that schemes are compatible with, or complement the scale and character of existing development, and its setting (including any open space).

6.8 URB 6 Alterations and Extensions states that alterations and extensions should respect the plan form, period, architectural characteristics and detailing of the original buildings, including external features, and should normally use matching materials. In addition, additional or enlarged windows should be in keeping with the original contemporary pattern.

- 6.9 URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation states that the Council will only grant permission/consent where alterations and extensions to buildings are compatible with the character of the area and its buildings.
- 6.10 HSG 4 Residential Amenity States that the Council will seek to improve and safeguard the character and amenities of residential areas throughout the Borough. Siting, design, landscaping, traffic and parking will be considered.
- 6.11 The UDP policies referred to above are all in conformity with the provisions of the adopted Core strategy which, is also in conformity with the objectives of the London Plan.
- 6.12 The objectives and content of relevant policies in the London Plan and Core Strategy underpin the UDP policies. Therefore, officers consider that by virtue of the saved policies being the same policies upon which the application granted in 2010 was assessed, the principle of the proposed development remains acceptable.

Design and Conservation

- 6.13 London Plan Policy 7.8 Heritage assets and archaeology, Core Strategy Policy 15 High quality design for Lewisham and Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment strengthen the policy requirement to protect the borough's heritage assets and to provide high quality developments in Lewisham.
- 6.14 Therefore, a proposal considered to be acceptable under the previous suite of planning policies, may potentially no longer be acceptable in terms of design. As stated above the relevant UDP policies in place in 2010, remain as saved policies and are similarly relevant to the current assessment of the design of the proposal and its effect on the character of the building and the heritage asset of the Blackheath Conservation Area.
- 6.15 Dartmouth Terrace is described within the Blackheath Conservation Area Character Appraisal as one of the most striking architectural compositions which enclose the heath. It comprises five substantial detached three storey and semi-basement villas arranged such that the modulation of the bays are symmetrical within the group, with the central villa having double bays arranged around a central entrance.
- 6.16 The building and its surroundings have not changed significantly since the proposal was previously considered and as in 2010, the effect of the proposal on the appearance and historic integrity of the building and the wider area is considered generally acceptable.
- 6.17 The glazed parapet would protrude approximately 450mm above the stucco parapet and due to the fact that it is proposed in clear glazing, it will not be overly visible within the street scene. Another property within this terrace has a railing surrounding a similar flat roof area which appears to be used as a terrace. This is the main element of the application, however it will only result in a minor change to the property and is not considered to be a significant alteration as the side addition is set significantly back from both front and rear main facades.

- 6.18 The current window in the side elevation will be replaced with a door, however as this will be behind the parapet it will not be readily visible from the street. Due to the fact that it is at 2nd storey level it will not be highly visible from ground level and will not appear to be significantly different from the existing window opening, subject to the design of the door.
- 6.19 According to a letter submitted with the application, the applicant seeks (in addition to a terrace) to provide a secondary means of escape in case of fire for the top floor flat. Currently the area that is proposed to be used is a flat roof which is only accessible from the 2nd floor flat by climbing through an existing side window onto the flat roof. There are few details within the plans showing the design of the escape ladder at the rear and the gate in the glass balustrade. The principle of an escape ladder is considered acceptable, as it will not be visible from the public realm and will be discreetly located to the rear of the side element. A condition is suggested to require further details of the ladder and balustrade gate to be submitted for approval before any works commence.
- 6.20 The application involves a storage space above the kitchen of the 1st floor flat being removed so that the ceiling height would be returned to its original height by lowering the level of the flat roof, also allowing for a terrace to be formed behind the parapet. This alteration would have no effect on the appearance of the building.
- 6.21 While no objections were received in connection with the scheme approved in 2010, five letters of objection have been received in relation to the current proposal. Some of the concerns relate to the proposal being visually unacceptable and being harmful to the appearance of the Blackheath Conservation Area. Though objections have been received to the current proposal, none of the issues raised refer to matters which were not considered during the assessment of the 2010 application.

Residential Amenity

- 6.22 Neighbouring residents have also raised objections to the use of the terrace as amenity space and the detriment to neighbour amenity caused by the loss of privacy, noise and disturbance to neighbours associated with its use.
- 6.23 The floor area of the proposed terrace would be approximately 8m² and it could therefore be used as an amenity area. It is not considered that such use would be likely to give rise to unacceptable loss of amenity to neighbours by reason of excessive disturbance or loss of privacy. A condition is proposed to require details of the balustrade to be submitted; this could potentially include an element of obscure glazing to reduce the potential for overlooking to windows in the flank of the neighbouring property at No. 3 Dartmouth Terrace.
- 6.24 As the objections raised for the current proposal regarding neighbour amenity had already been considered during the course of the approved scheme, and there are no new planning policies that would necessitate an alternative approach, officers consider that any impact derived from the proposal would remain to be of an acceptable level.

7.0 Equalities Considerations

7.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 The protected characteristics under the Act are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

7.4 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.

8.0 Community Infrastructure Levy

8.1 The above development is not CIL liable.

9.0 Conclusion

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

9.2 Officers consider that the use of the existing flat roof as a terrace and a means of escape is acceptable and will not result in an unacceptable impact on the overall appearance of the application property or the Blackheath Conservation area, or significantly compromise the amenities of neighbours.

The physical alterations which include a glazed balustrade and a doorway are also considered to be acceptable due to their minor impact on the application building.

10.0 **RECOMMENDATION** **Grant Permission** subject to the following conditions:

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

AD-01, 02, 3, 05, 06 and 07

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) Details of the glazed balustrade, showing the escape gate to the rear, together with details of the escape ladder (including appearance, location, materials) shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. 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 and to comply with London Plan Policy 7.8 Heritage assets and archaeology; Policy 16 Conservation areas, heritage assets and the historic environment, and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and; Saved Policy URB 3 Urban Design, URB 6 Alterations and Extensions and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in the Unitary Development Plan (July 2004).

- (4) The proposed new door shall be provided in timber construction within the existing external reveals.

Reason To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with London Plan Policy 7.8 Heritage assets and archaeology; Policy 16 Conservation areas, heritage assets and the historic environment, and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and; Saved Policy URB 3 Urban Design, URB 6 Alterations and Extensions and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in the Unitary Development Plan (July 2004).

INFORMATIVES

- (A) Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.