

Committee	PLANNING COMMITTEE C	
Report Title	14 GLEBE COURT, THE GLEBE SE3 9TH	
Ward	Blackheath	
Contributors	Monique Wallace	
Class	PART 1	06 MAY 2014

Reg. Nos. DC/13/84447

Application dated 31.07.2013

Applicant Ms J Oliver

Proposal The retention of hardwood French doors (to be painted black) in the rear elevation at ground floor level, together with the formation of two steps to the rear of 14 Glebe Court, The Glebe SE3.

Applicant's Plan Nos. Amended Design and Access Statement, Os Map, Block Plan, Site Location Plan, Proposed Elevation, Original Elevation, and Photographs x 14 and 'new steps to rear of property' drawing received 7/11/13

Background Papers

- (1) Case File LE/682/5/TP
- (2) Adopted Unitary Development Plan (July 2004)
- (3) Local Development Framework Documents
- (4) The London Plan

Designation PTAL 3  
Blackheath Conservation Area

## **1.0 Property/Site Description**

- 1.1 Glebe Court comprises a development of 21 flats at the north western corner of The Glebe within Blackheath Conservation Area.
- 1.2 Glebe Court is set back from and at a lower ground level than the highway. There is a building comprising eleven flats to the street frontage and a group of small two storey blocks of maisonette flats at the rear of the site.
- 1.3 The application property is a ground floor maisonette at the north east corner (rear) of the site, within a small two storey block, housing Flats 12-15 (inclusive).
- 1.4 Each of the four maisonettes within this small block has an individual garden plot. The garden plot to No.14 is to the north west of the building, while the gardens for units 12, 13 and 15 are to the north east. The individual garden plots are accessed by a narrow path from the common entrance which is aligned close to the building itself.

1.5 A set of French doors and timber steps have been constructed in the north west elevation, providing direct access to the garden plot of No.14.

## **2.0 Planning History**

2.1 Permission was granted for the construction of the flats, including the application property, behind 5 The Glebe in 1954.

2.2 In 1993 planning permission was granted for a conservatory at the rear of No.12 Glebe Court.

2.3 In July 2013, planning permission was refused for the retention of French doors and timber steps to the rear of 14 Glebe Court, under reference DC/13/82536. The reasons for refusal are as follows;

(1) The French doors and external steps has resulted in demonstrable harm to the visual integrity of the application building by virtue of their appearance and proportions and thus neither preserves or enhances the appearance of the Blackheath Conservation Area which is contrary to Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment (2011) and retained policy URB16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in Lewisham's Unitary Development Plan (2004).

(2) The construction of the external steps over the garden path impedes access to the garden plots of neighbour dwellings which unduly compromises their residential amenities, contrary to Core Strategy Policy 15 High Quality Design for Lewisham (2011) and retained policies URB 6 Alterations and Extensions and HSG 4 Residential Amenity in Lewisham's Unitary Development Plan (2004).

## **3.0 Current Planning Applications**

### The Proposals

3.1 The current proposal is a further application for the retention of hardwood French doors (to be painted black) together with the formation of two steps to the rear elevation of 14 Glebe Court.

3.2 The proposal is a revision to that refused in July 2013, and the application now proposes that the French Doors would be painted black. The steps would be altered to be reduced in depth and would not be constructed over the garden path.

### Supporting Documents

3.3 The documents submitted for the current application are similar to those submitted for the scheme refused in July 2013 which comprise elevation drawings showing the French doors, photographs, lease documents, and in addition to those originally submitted, a section and block plan of the steps as requested by officers for clarity, received on the 7/11/13.

3.4 A Design and Access Statement including information regarding the Blackheath Conservation Area 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 occupiers of 12-19 Glebe Court, together with the relevant ward Councillors.
- 4.3 Five objections to the proposal have been received from neighbouring occupiers, on the following grounds;
- Allowing the retention would result in a precedent being set.
  - The doors are not in keeping with the style and appearance of the existing buildings.
  - The steps compromise the right of way of other residents to their gardens.
  - A letter of objection was also received from the freeholders of 12-21 Glebe Court who confirm that the door and stairs do not have permission from the freeholder and their installation is contrary to the terms of the applicant's lease.

(Letters are available to Members)

## **5.0 Policy Context**

### Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

A local finance consideration means:

- (a) 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
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 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

- 5.3 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)'.
- 5.4 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)

- 5.5 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.
- 5.6 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

- 5.7 The other relevant national guidance is:  
Design (Updated 06 03 2014)

### London Plan (July 2011)

- 5.8 The London Plan policies relevant to this application are:  
Policy 7.8 Heritage assets and archaeology

### Core Strategy (June 2011)

- 5.9 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)

- 5.10 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)

- 5.11 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

- 5.12 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).
- 5.13 The following emerging plans are relevant to this application.

### Development Management

- 5.14 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.
- 5.15 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.
- 5.16 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.

5.17 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

5.18 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:

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

### Principle of Development

6.2 Planning policies have not changed significantly since planning permission was refused in July 2013 and therefore, the main planning consideration is whether the modifications proposed in the current proposal satisfactorily address the reasons for refusal. The provision of a more direct access to the garden plot for Flat 14 is considered acceptable in principle subject to an assessment of the impact of the proposal on the appearance and character of the building, the surrounding area and the residential amenity of neighbouring residents.

### Design and Conservation

6.3 Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment strengthens the relevant saved UDP policy requirement to protect the borough's heritage assets and to provide high quality developments in Lewisham.

6.4 Saved UDP policy 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.

6.5 Saved UDP policy 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.

- 6.6 The application property is within the Blackheath Conservation Area, and the protection of the integrity of the buildings that comprise the conservation area is a material planning consideration. The doors were previously stained timber and the steps in their current form comprise untreated timber. However, since the submission of the current application, the doors have been painted black.
- 6.7 The original window was a black painted metal window with a narrow profile frame and glazing bars, which matched that at first floor level and was characteristic of those originally installed in the group of maisonettes.
- 6.8 The original window opening in this location has been modified to create a door opening. The window opening has been reduced in width, increased in height and timber French doors have been installed in the altered opening. As a result the proportions of the opening and its appearance now differ from the window above.
- 6.9 As originally installed, the incongruousness of the change of proportions was exacerbated by the stained timber finish, which was a material untypical of the surrounding properties.
- 6.10 The current proposal is to retain the French doors which have been painted black to better match the remainder of the window openings in the block of which No. 14 forms part and the similar blocks which form this development.
- 6.11 While the painting of the French doors does not fully address the misalignment with the window above, officers consider that painting the frames of the French doors black has significantly reduced their incongruity. As they are located at the rear of the block, at ground floor level and screened to a degree by garden vegetation, it is considered that they are now acceptable in terms of their appearance. The impact on the character and appearance of the conservation area is considered to be neutral and with the alterations the works are considered to be acceptable.
- 6.12 In order for the steps to match the French doors, officers consider it necessary to place a condition on the decision notice, requiring the steps to be painted black to match the doors.

#### Neighbour Amenity

- 6.13 HSG 4 Residential Amenity States that the Council will seek to improve and safeguard the character and amenities of residential areas throughout the Borough.
- 6.14 Eight objections were received in relation to the July 2013 refused application, while five objections have been received in respect to the current application.
- 6.15 The points of objection are the same as those received concerning the previous proposal and mainly relate to the installation of the steps which have been constructed to provide access from the French doors to the garden plot of Flat 14 which is at a lower level than the new door. The threshold of the door is approximately 0.61m above the adjacent ground level.
- 6.16 The existing steps have been constructed over the pedestrian path that leads from the entrance to the block, to the garden plots of Flats 13, 14 and 15.

The objections are on the grounds that the steps impede and could potentially permanently block access to the garden plots belonging to the upper floor maisonette within the application building (15 Glebe Court), and the adjacent maisonette (13 Glebe Court) . Neighbours have also raised objections on the grounds that the original window, which had a high sill relative to the common path, previously afforded privacy to the occupants of No.14, while the provision of a door allows views directly into the application unit.

- 6.17 With regard to the access issue, rights of way and matters in relation to trespass are not a planning consideration. While a development may be granted planning permission, this does not override property rights in respect to the development.
- 6.18 The obstruction of access to the individual garden plots has again been raised as a strong objection by neighbouring residents. The residential amenities of neighbouring residents is a material planning consideration and in the context that the existing steps compromise neighbours enjoyment of their own gardens by impeding access to them, then it is considered that the existing steps result in loss of amenity in this instance.
- 6.19 The occupiers of the first floor flat above No.14 and of the neighbouring dwelling to the south east state in their objections that the steps have been built directly on top of the common path by which they access their garden plots. Copies of property deed entries have been submitted to the planning department by neighbours that show the relevant common paths.
- 6.20 The issue of steps impeding access for neighbouring occupiers formed a reason for refusal of the previous application on grounds of the detriment caused to neighbour amenity.
- 6.21 To overcome this objection, the applicant has proposed a revised set of steps which would not encroach onto the communal path. This revised arrangement is shown on a revised drawing referenced 'new steps to rear of property' received 7/11/13.
- 6.22 Section 4 of the Amended Design and Access statement states that the new steps enable access/right of way to the private rear gardens of the neighbouring dwellings to be maintained.
- 6.23 Officers have reviewed the latest submitted drawing with the Council's Building Control department, and they advise that the proposed steps would be capable of being built in the way depicted in the drawing.
- 6.24 As the obstruction to the communal garden path can be remedied, as proposed, officers now consider the provision of steps as proposed no longer raise concerns on the grounds of neighbour amenity.
- 6.25 With regard to the remaining issue of privacy, while the new door has reduced the privacy of the relevant room of the application unit, this is not considered so significant as to justify the withholding of permission.
- 6.26 It would be desirable for the alteration of the steps to be carried out without delay, accordingly it is considered expedient to limit the period for implementation of the permission to six months.



## **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 retention of the French doors, painted black and the retention of the steps thereto, with the application of a condition ensuring that they too are painted black is acceptable in design terms.
- 9.3 The proposed revised steps would no longer impede access for other residents of the block to their individual garden plots and therefore the proposal is also considered acceptable on grounds of neighbour amenity.

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

- (1) The development hereby permitted must be begun not later than six months from the date of this permission.

**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:

Design and Access Statement, OS Map, Block Plan, Site Location Plan, Proposed Elevation, Original Elevation, and Photographs x 14 and 'new steps to rear of property' drawing received 7/11/13

**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) The steps hereby approved shall be constructed and painted black to match the French doors hereby approved within 3 months of the date of this permission and the doors and steps shall be retained in a black painted finish.

**Reason** To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 16 Conservation areas, heritage assets and the historic environment 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 and HSG 4 Residential Amenity in Lewisham's Unitary Development Plan (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, positive discussions took place which resulted in further information being submitted.