

Committee	PLANNING COMMITTEE C	
Report Title	28 BOUSFIELD ROAD SE14 5TR	
Ward	Telegraph Hill	
Contributors	Jan Mondrzejewski	
Class	PART 1	26 FEBRUARY 2015

Reg. Nos. DC/14/88207

Application dated 30.06.14 [as revised on 15.12.14]

Applicant MPRM on behalf of Mr T Gander

Proposal The construction of a single storey infill extension to the rear of 28 Bousfield Road SE14.

Applicant's Plan Nos. A0.100, A0.101, A1.100, A1.101, A1.102, A2.100, A2.101, A2.102, A3.100, **A4.100**, A4.103a, **A4.104**, A5.100a, **A5.101**, A6.101a, Design and Access Statement 001, Heritage Statement 002

Background Papers

- (1) Case File DE/45/28/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (Nov. 2014)
- (4) The London Plan (July 2011)
- (5) Telegraph Hill Conservation Area Supplementary Planning Document (March 2008)

Designation Existing Use

## **1.0 Property/Site Description**

1.1 No. 28 Bousfield Road is a two storey terraced house of c1890 with a two storey back addition, located in the Telegraph Hill Conservation Area. The Conservation Area is subject to an Article 4 Direction which removes permitted development rights with regard to the alteration of street elevations and front gardens of dwelling houses. The property is a C3 single family dwelling house. The property has double hung timber sash windows to the front elevation and a small front garden with modern boundary wall. The property is currently undergoing renovation and this work has included the removal of a satellite dish from the front elevation of the property.

## **2.0 Planning History**

2.1 An application, submitted by the current applicant, for a rear roof extension at the premises was withdrawn in December 2015.

### **3.0 Current Planning Application**

- 3.1 The current application is a revised proposal for the construction of a single storey infill extension to the rear of the property. This will occupy the space between the side elevation of the back addition of the property and the boundary with No 30 Bousfield Road. The extension runs almost to the rear elevation of the back addition and has a lean-to roof. The intention is to largely remove the side wall of the back addition including the existing bay window on the side elevation to create an open plan kitchen/diner/family space which can be extended into the garden via doors on the rear elevation of the existing back addition and the rear elevation of the proposed extension. The application also removes the narrow outside WC/storage space which projects from the rear elevation of the back addition adjoining the boundary with No 26.
- 3.2 The proposed infill extension is 6400mm long x 1800mm wide and as originally submitted, aligned with the front face of the existing rear elevation. The applicant was advised by officers to slightly set the extension back from the rear elevation of the back addition, so as to break the join between the original addition and the proposed extension. This has been incorporated into a revised design. The lean-to roof will be sloped at an angle of 22 degrees to a box gutter adjoining the boundary with No 30. The height of the extension on the boundary line is 2400mm. This was originally intended to be concealed by a parapet wall on the rear elevation of the extension at a height of 3000mm from ground level. In the revised scheme the parapet wall follows the slope of the lean-to roof.
- 3.3 Originally, the rear elevation of the infill extension was to be rendered with sand and cement and painted white from ground level up to 3 metres. This will now be in London stock brick. The lean-to roof, which was originally intended to be glazed, will in the revised scheme incorporate a reduced area of glazing adjoining the main rear elevation of the house with the remaining part of the lean-to roof covered in natural slate.

### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. 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 in the surrounding area and the relevant ward Councillors.

#### Written Responses received from Local Residents and Organisations

- 4.3 One reply from the Telegraph Hill Society, objecting to the proposal on the following grounds:-
- 1) The bay window on the side elevation of the back addition is a characteristic feature of this particular Conservation Area house type and should be retained.
  - 2) The use of large areas of glazing to the roofs of single storey extensions gives rise to light spillage and glare to the detriment of the amenities of neighbouring occupiers.

- 3) The extension results in a long section of tall featureless wall to the garden of No 30 Bousfield Road.
- 4) The use of white painted render as a finish on the proposed extension is uncharacteristic of the Conservation Area. London stock brick in Flemish bond to match the original house should be used.
- 5) The aluminium framed doors and door openings lack the traditional detailing of houses in the Conservation Area.
- 6) As the proposed extension is not in keeping with the character of the area and detrimental to the amenities of neighbours, it is contrary to Council policy.
- 7) The Society is also objecting to a similar extension at 41 Gellatly Road which features the loss of a similar bay window and large glazed areas of roofing, likely to give rise to light spillage.

(Letter available to Members).

#### The Amenities Society Panel

- 4.4 The Panel objects to the significant change to the form of this building, the loss of original features such as the distinctive bay window to the kitchen extension, the poor relation of the wide opening created to the rear elevation, and the large rooflights.

### **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 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. 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 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.

## London Plan (July 2011)

- 5.5 The London Plan policies relevant to this application are:
- Policy 3.4 Optimising housing potential
  - Policy 3.5 Quality and design of housing developments
  - Policy 3.8 Housing choice
  - Policy 3.9 Mixed and balanced communities
  - Policy 3.14 Existing housing
  - Policy 5.3 Sustainable design and construction
  - Policy 5.13 Sustainable drainage
  - Policy 5.18 Construction, excavation and demolition waste
  - Policy 6.13 Parking
  - Policy 7.1 Building London's neighbourhoods and communities
  - Policy 7.2 An inclusive environment
  - Policy 7.3 Designing out crime
  - Policy 7.4 Local character
  - Policy 7.5 Public realm
  - Policy 7.6 Architecture

## London Plan Supplementary Planning Guidance (SPG)

- 5.6 The London Plan SPGs relevant to this application are:
- Accessible London: Achieving an Inclusive Environment (2004)
  - Housing (2012)
  - Sustainable Design and Construction (2006)

## London Plan Best Practice Guidance

- 5.7 The London Plan Best Practice Guidance relevant to this application are:
- Control of dust and emissions from construction and demolition (2006)

### Core Strategy

- 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 Lewisham Town Centre Local Plan, the Development Management Local Plan and the London 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:

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 15 High quality design for Lewisham

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

### Development Management Local Plan

- 5.9 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan.

- 5.10 The following policies are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development

DM Policy 22 Sustainable design and construction

DM Policy 25 Landscaping and trees

DM Policy 27 Lighting

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

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

### Residential Standards Supplementary Planning Document (August 2006)

This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes, accessibility and materials.

- 5.11 Telegraph Hill Conservation Area Supplementary Planning Document (March 2008)

This document advises on the content of planning applications, and gives advice on external alterations to properties. It lays out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts, architectural and other details.

## 6.0 Planning Considerations

- 6.1 The main issues to be considered in respect of this application are the impact of the proposed extension on the character and appearance of the Telegraph Hill Conservation Area and on the amenities of adjoining occupiers.
- 6.2 On the first issue, the impact of the proposed extension on the character and appearance of the conservation area is limited by the fact that it is single storey and located at the rear of a terraced house. The rear garden is not located near a side road and is therefore not visible from the public realm.
- 6.3 The bay window on the side elevation of the back addition, which the Telegraph Hill Society cites as being an important part of the character and appearance of the Conservation Area is only visible from a small number of properties adjoining the application site. It has no protection under the Article 4 Direction which applies only to street elevations and front gardens in the Conservation Area. The removal or replacement of the bay window with a flush fitting window could therefore not be prevented, as this would be 'permitted development' in the case of dwelling houses. There are, in fact, many examples of this form of modification having been carried out to properties in the Hatcham and Brookmill Road Conservation Areas where bay windows on side elevations of back additions are also a characteristic feature.
- 6.4 Regarding the application in respect of 41 Gellatly Road, which is referred to by the Telegraph Hill Society and which related to a one bedroom flat in a converted house of similar style to the application premises, this was refused by the Planning Committee in December 2014. The reasons for refusal were as follows:

*The proposed side extension, by reason of its height, depth and location would result in an overbearing, visually intrusive and bulky form of development for the neighbouring property at No. 39 Gellatly Road, resulting in an increased sense of enclosure. It is therefore contrary to saved Policies HSG and HSG 12 Residential Extensions of the adopted Unitary Development Plan (July 2004) and emerging DM Policy 31 Alterations and Extensions to existing buildings including residential extensions of the Development Management Local Plan Post Examination Modifications (June 2014).*

*The proposed courtyard, by reason of its small size and location would result in a poor outlook and level of light to the rear window of No. 41 Gellatly Road resulting in an unacceptable residential environment for future occupiers. It is therefore contrary to saved Policy HSG 12 Residential Extensions of the adopted Unitary Development Plan (July 2004) and emerging DM Policy 31 Alterations and Extensions to existing buildings including residential extensions of the Development Management Local Plan Post Examination Modifications (June 2014).*

*The proposed roof lights, by reason of their size and location would result in an unacceptable level of light overspill and consequent negative impact on the residential amenities of the occupiers of the upstairs flat at no. 41 Gellatly Road. It is therefore contrary to saved Policy HSG 12 Residential Extensions of the adopted Unitary Development Plan (July 2004) and emerging DM Policy 31 Alterations and Extensions to existing buildings including residential extensions of the Development Management Local Plan Post Examination Modifications (April 2014).*

- 6.5 It will be seen that the loss of the bay window on the side elevation of the back addition and the impact of the proposed extension on the character and appearance of the Conservation Area was therefore not a reason for refusal. Indeed, the reasons for refusal relate to either the impact of the proposed extension on the amenities of adjoining residential accommodation or the poor quality of the proposed accommodation. In the case of the current application the latter does not apply as the property is not divided into flats and the occupiers therefore have the benefit of the first floor of the premises for their bedroom accommodation. It should also be noted that the applicant has made a number of important changes to the proposed extension which have taken on board many of the comments of the Telegraph Hill Society. For example, the extension is to be constructed in London stock brickwork in Flemish bond to match the original house. The proposed door openings will also use moulded cast lintels to match the original house. The rear elevation of the extension has been slightly set back to form a visual break with the existing back addition, allowing the plan form of the original house to be more easily read and appreciated. The high parapet wall to the rear elevation of the proposed extension has also been removed from the scheme and the area of glazing to the lean-to roof significantly reduced in area and replaced by a natural slate covering. However, some contemporary elements, such as the proposed aluminium framed doors in a black powder coated finish have been retained. Given the location of these on a ground floor rear elevation and their importance to the applicant in expanding the living area of the house into the garden, officers consider that it would be unreasonable to insist on a wholly traditional design.
- 6.6 In terms of the impact on the outlook on the amenities of adjoining occupiers, the proposed side extension at 2.4 metres in height is not considered to have an unduly harmful impact on the occupiers of No 30 Bousfield Road who have not objected to the proposed application. The Government have also recently introduced the principle of larger residential extensions as permitted development. Although these are not permissible in Conservation Areas, they would have the same impact on neighbour amenity whether or not they are located in a Conservation Area. This recent legislation allows extensions of up to 3m in height and (in the case of a terraced property) up to 6m in depth. Members are advised that the proposed extension is only slightly over 6m in depth and this would be likely to be a material consideration in the case of an appeal.
- 6.7 On the subject of disturbance resulting from light spillage from roof windows, it will be seen that the area of glazing to the lean-to roof has been reduced by approximately one third. It is also noted that the first floor window in the side elevation of the back addition of No 30 Bousfield Road serves a bathroom which is unlikely to be affected by glare. Although the first floor window on the rear elevation of the property most probably serves a bedroom, this could be fitted with a blackout blind if glare was an issue. Notwithstanding this, the applicants have stated that the rooflights, in addition to being obscure glazed to protect their own privacy as well as that of neighbours, would be fitted with blackout blinds. In the case of a recent planning appeal involving the development of garden land at 431 New Cross Road, planning permission had been refused under delegated powers for a number of reasons, one of which was that the development would be likely to give rise to glare and light spillage from a wholly glazed wall a short distance away from the rear elevation of the New Cross Road property. Although the appeal was dismissed, the Inspector did not find against the scheme on the latter issue and opined:

*“The proximity of the proposal to No 431 and the large size of the proposed windows could result in additional light from the proposed dwelling causing annoyance to the occupiers of No 431. However I accept that most people have curtains or shutters which they would use to close out any unwanted light. As such it is unlikely that the proposal would result in unacceptable disturbance to the occupiers of No 431 through light pollution.”*

*‘I conclude that whilst light disturbance would not be a serious issue of concern, the proposal would have a detrimental effect on the living conditions of the basement occupiers of No 431 New Cross Road, with particular regard to noise.’*

## **7.0 Conclusion**

7.1 This application has been considered in the light of policies set out in the development plan and the Inspector’s decision dated December 2014 with respect to the specific issue of light spillage and glare in respect of a proposed development at No 31 New Cross Road.

7.2 Officers consider that the concerns of the Telegraph Hill Society with respect to impact on the character and appearance of the Conservation Area, outlook of adjoining occupiers and nuisance from glare and light spillage have been satisfactorily addressed in the proposed scheme as revised, which is accordingly recommended for approval.

8.0 **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:

A0.100, A0.101, A1.100, A1.101, A1.102, A2.100, A2.101, A2.102, A3.100, A4.100a, A4.103a, A4.104a, A5.100a, A5.101a, A6.101a, Design and Access Statement 001, Heritage Statement 002

**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. No new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

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

4. All new window (other than roof windows) and door openings shall be provided with external reveals, lintel detailing and sills to match those originally provided on the existing building.

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

5. No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

**Reason:** In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

## **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.
- B. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.