

Committee	PLANNING COMMITTEE C	
Report Title	33 JERNINGHAM ROAD SE14 5NQ	
Ward	Telegraph Hill	
Contributors	Jan Mondrzejewski	
Class	PART 1	26 FEBRUARY 2015

<u>Reg. Nos.</u>	DC/14/87957
<u>Application dated</u>	13.07.14 [as revised on 05.02.15]
<u>Applicant</u>	Town Planning Bureau on behalf of Mr A Savoia.
<u>Proposal</u>	The change of use, alteration and conversion from a House in Multiple Occupation (HMO) comprising 10 rooms, 2 kitchens and 2 bathrooms, to provide 2 self-contained studio flats and 2 two bedroom self-contained maisonettes, together with the installation of replacement timber double hung sash windows to the front elevation, re-roofing in natural slate, the landscaping of the front garden and the construction of a new front garden boundary wall.
<u>Applicant's Plan Nos.</u>	1053-E.101, P.101 C (11/02/2015), 102 C (11/02/2015), SITE PLAN, BLOCK PLAN, CIL, SUSTAINABILITY STATEMENT, HERITAGE, PLANNING, DESIGN AND ACCESS STATEMENT
<u>Background Papers</u>	<ul style="list-style-type: none"> <li>(1) Case File DE/57/33/TP</li> <li>(2) Core Strategy (June 2011)</li> <li>(3) Development Management Local Plan (Nov. 2014)</li> <li>(4) The London Plan (July 2011)</li> <li>(5) Telegraph Hill Conservation Area Supplementary Planning Document (March 2008)</li> </ul>
<u>Designation</u>	Existing Use

## **OBSERVATIONS**

### **1.0 Property/Site Description**

- 1.1 No 33 Jerningham Road is a two storey plus basement semi-detached house of c1890 with a three 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 was originally built as a family house but has been in use as a House in Multiple Occupation (HMO), which is a Sui Generis use, for many years. The property comprises 10 rooms, 2 kitchens and 2 bathrooms.

The property has PVCu windows to the front elevation, a vehicular access and parking to the front garden and a fletton brick built front garden wall incorporating a vehicular access. The basement windows to the front of the property have been enlarged by lowering the cills and constructing a small lightwell in front of them. The roof, including that of the front bay window, was recovered some time ago in red concrete tiles and all decorative roof tiles and finials were probably removed at the time of this work. Although there is evidence of the property once having a tiled path this has been replaced with concrete. The front garden is mainly hard surfaced but has some soft landscaping including an olive tree.

## **2.0 Planning History**

- 2.1 There is no record of planning permission having been sought for use of the property as a House in Multiple Occupation (HMO), however the property has been in this use for a number of years. The use is likely to be lawful by virtue of the passage of time and is a licensed HMO.
- 2.2 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 application is an amended scheme for alterations and conversion to provide two self-contained studio flats and two self-contained two bedroom maisonettes. As originally submitted the application proposed 2, one bedroom flats and 1 two bedroom and 1 three bedroom self-contained maisonettes, together with the provision of bin stores to the front and a bicycle store to the rear.
- 3.2 In order to comply with the London Plan minimum unit and room sizes for residential accommodation, the proposed one bedroom flats were altered to one person studio units and the three bedroom flat to a two bedroom unit. The application was also altered to include the provision of replacement double hung timber sash windows to the front elevation, the closure of the existing vehicle access and the landscaping of the front garden. The latter will include a new front garden wall of appropriate design for this Conservation Area, a tiled garden path and more soft landscaping. Refuse and recycling bins will be stored in the passageway at the side of the property with a collection area adjoining the front entrance of the property. In addition, the roof of the property will be re-covered in natural slate, including fish scale cut slate to the bay window roof and with decorative terracotta ridge tiles and finials restored.

## **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) Although an HMO, the property can more easily be converted back to a dwelling house if left as an HMO rather than sub-divided into 4 flats.
- 2) If converted to self-contained flats, it is very unlikely that the property will be returned to dwelling house use.
- 3) DM Policy 3 states that the Council will refuse planning permission for the conversion of a single family house into flats unless it can be shown that the property is not suitable for family occupation by reason of poor environmental conditions or lack of suitable amenity space. These criteria do not apply in this particular street.
- 4) Concern about the loss of single family houses within the Telegraph Hill Conservation Area and the impact this will have on community infrastructure.
- 5) The proposed 3 bedroom unit is too small for family use.
- 6) Room sizes generally are sub-standard and do not provide good accommodation

(Letter available to Members).

### The Amenities Society Panel

4.4 No comment.

## **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.

#### Additional 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's relevant to this application are:  
Control of dust and emissions from construction and demolition (2006)  
London Housing Design Guide (Interim Edition, 2010)

## 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 1 Housing provision, mix and affordability

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 3  | Conversion of a single dwelling to two or more dwellings   |
| DM Policy 6  | Houses in multiple occupation (HMO)  |
| DM Policy 22 | Sustainable design and construction  |
| DM Policy 25 | Landscaping and trees  |
| 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 (revised 2012)

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 planning considerations which are relevant to the subject application relate to the principle of conversion, the standard of accommodation proposed, impact on the character and appearance of the Telegraph Hill Conservation Area and impact, if any, upon the amenities of adjoining residential properties.

Principle of Conversion

6.2 As the property comprises 10 bedrooms and communal facilities, it is classed as a Sui Generis HMO and not as a C4 HMO (where the number of persons accommodated must not exceed six). Unlike a C4 HMO, a Sui Generis HMO has no permitted development right to change to C3 use as a single family dwelling house. It would therefore not be appropriate in this case to apply DM Policy 3 Conversion of a single family house to two or more dwellings, as the property is not a single family house and has no permitted development right to be reinstated as one without planning permission.

6.3 DM Policy 6 Houses in multiple occupation, affords a degree of protection to sui generis HMOs where these are considered to provide a satisfactory standard of accommodation for those who need shorter term, relatively low cost accommodation.

6.4 This would apply to the self-containment of the accommodation unless the existing floorspace is reprovided to an equivalent or better standard. The property appears to be well maintained and many of the bedrooms, where these were the main living rooms/bedrooms of the original house are large.

6.5 However, the smallest habitable room on the second floor of the back addition (Room 9) is just under 10sqm in area and is therefore below the minimum size for a double bedroom as set out in the London Plan Housing SPG. As with many older HMOs, WC/bathroom facilities are shared and the communal kitchens are small for the number of persons occupying the house and do not allow communal dining and social interaction among residents of the house.

6.6 For this reason, officers consider that a change of use to self contained flats can be considered acceptable in this case, subject to compliance with the Council's policies and standards relating to the adequacy of the accommodation.

### Standard of Accommodation

- 6.7 The London Plan and the London Plan Housing SPG sets out internal standards including minimum size and dimension requirements for habitable rooms in dwellings while DM policy 32 requires that *“accommodation should be of a good size, a good outlook, with an acceptable shape and layout of room”*.
- 6.8 The scheme as originally submitted was identical to one approved by the Council in July 2011 in respect of a nearby property at No 37 Jerningham Road. This property was also formerly an HMO. This was approved under the now superseded UDP policy HSG 9 on residential conversions which required that the property have a floor area in excess of 130sqm and contain at least one unit suitable for family occupation. The scheme at No 37 Jerningham Road was considered to satisfy these requirements and planning permission was granted.
- 6.9 Although No 33 Jerningham Road appears to be the same size as No 37, the submitted floor space measurements showed that the proposed one bedroom units at this property which measured 41.5sqm and 42.5sqm were both under the minimum size (50sqm) for one bedroom flats as set out in table 3.3 of the London Plan. However, both units comply with the minimum size for one person accommodation (37sqm) and have therefore now been altered to studio units. The proposed maisonettes at 70.1sqm and 78.5sqm respectively, are compliant with the minimum size for two bedroomed flats.
- 6.10 As the provision of sound insulation between units has been a requirement of the Building Regulations for some time, the refusal of planning permission on the grounds of poor stacking between units, as suggested by the Telegraph Hill Society, is not considered justified.

### Design and Conservation

- 6.11 As originally submitted the proposed development did not include alterations to the external facades of the building. The application has been subsequently amended to include the provision of replacement double hung timber sash windows to the front elevation, the closure of the existing vehicle access and the landscaping of the front garden. The latter will include a new front garden wall of appropriate design for this Conservation Area, a tiled garden path and additional soft landscaping. Refuse and recycling bins will be stored in the passageway at the side of the property with a collection area adjoining the front entrance of the property. In addition, the roof of the property will be recovered in natural slate, including fish scale cut slate to the bay window roof and with decorative terracotta ridge tiles and finials restored.

Unlike the proposed development at No 37 Jerningham Road, which had a neutral impact on the character and appearance of the Conservation Area, the current proposal will secure an enhancement.

- 6.12 Members are advised that the conversion scheme at 37 Jerningham Road is currently the subject of enforcement action to secure the reinstatement of timber double hung sash windows to the front elevation of the building following the unauthorised installation of PVCu replacement windows. In the case of the current property, the application includes proposed works of enhancement to the front of the property. It is proposed that these are the subject of planning conditions.

- 6.13 It is also noted that the subject application was reviewed by Council's conservation officer who welcomes the proposed positive changes to the property frontage.
- 6.14 The proposed external alterations are considered to be of a suitable design and are in keeping with the setting of the property within the Telegraph Hill Conservation area.

#### Impact on Adjoining Properties

- 6.15 The proposal involves no extensions or significant alterations to the side and rear elevations of the property and will have no detrimental impact on the amenities of adjoining occupiers.

### **7.0 Local Finance Considerations**

- 7.1 The proposed development is not CIL liable as no new floorspace is proposed.

### **8.0 Conclusion**

- 8.1 Officers consider that the proposed sub-division of this Sui Generis HMO into self contained flats is not contrary to current Council policy and will provide an improved standard of accommodation.
- 8.2 The internal standard of the proposed residential accommodation is acceptable, the proposed development will have no detrimental impact on the amenities of adjoining occupiers and the proposed external alterations to the front of the property will enhance the character and appearance of the Telegraph Hill Conservation Area.

### **9.0 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:

1053-E.101, P.101 C (11/02/2015), P.102 C (11/02/2015), SITE PLAN, BLOCK PLAN, CIL, SUSTAINABILITY STATEMENT, HERITAGE, PLANNING, DESIGN AND ACCESS STATEMENT

**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. i) Notwithstanding the information submitted, no development shall commence on site until detailed drawings and particulars/samples of the proposed treatment to the front garden including the tiled path and the front garden wall to the front garden have been submitted to and approved in writing by the local planning authority.

ii) The development hereby approved shall not be occupied until the works to the front garden have been carried out in accordance with the permitted details.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policies DM 25 Landscaping and trees, DM 30 Urban design and local character and DM 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 of Development Management Local Plan (November 2014).

4. The development hereby approved shall not be occupied until the existing vehicular access onto Jerningham Road has been closed and the highway reinstated in accordance with the permitted plans.

**Reason:** To ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with Policies 14 Sustainable movement and transport, 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policies DM 30 Urban design and local character and DM 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 of Development Management Local Plan (November 2014).

5. No plumbing or pipes, including gas pipes but excluding rainwater goods, shall be fixed on the external faces of the building.

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

6. The flats and maisonettes hereby approved shall not be occupied until the following works have been implemented in accordance with Plan No 1053-P.102.

a) Re-covering of the roof of the property in natural slate with 'fish scale' detailing to the roof of the front bay window and reinstatement of terracotta ridge tiles and finials

- b) The reinstatement of double hung timber sash windows to the front elevation of the property.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policies DM 30 Urban design and local character and DM 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 of Development Management Local Plan (November 2014).

- 7.
  - (a) A scheme of soft landscaping (including details of any trees to be retained and proposed plant numbers, species, location and size of trees and tree pits) 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 above ground works.
  - (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.

**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 Urban design and local character 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.