

Committee	PLANNING COMMITTEE	
Report Title	12 BEVERLEY COURT, LONDON, SE4 1UN	
Ward	BROCKLEY	
Contributors	Russell Brown	
Class	PART 1	09 APRIL 2015

Reg. Nos. DC/14/89224

Application dated 19.09.2014

Applicant Mrs L Johnstone

Proposal The installation of replacement, double glazed, uPVC casement windows to the front and rear elevations together with the installation of a replacement timber front entrance door and replacement, double glazed, uPVC french doors and associated top side window to the rear at 12 Beverley Court, Breakspears Road, SE4.

Applicant's Plan Nos. 1A/L.P. /12B.C.B.R./06.13 Rev. 2, Casement Window Details & Cross-Section A-A, Casement Window Cross-Sections B-B & C-C, Windows & Rear Door Design, Heritage Statement, Windows & Doors Photographs, Photographs of Severn Door & Anthracite Grey Colour

Background Papers

- (1) Case File DE/419/40/TP
- (2) Adopted Core Strategy (2011)
- (3) Development Management Plan (2014)
- (4) The London Plan

Designation Existing Use

Screening N/A

1.0 Property/Site Description

1.1 The property is one of twenty-one, two storey houses, that comprise Beverley Court, which is a well mannered, neo-Georgian, post-war cul-de-sac development that has been built on a backland site at the rear of residential properties in Breakspears Road, Wickham Road and Cranfield Road. The land was in use as a nursery until the 1950's. The houses, which are finished in white painted render, are grouped in three terraces, enclosing a pleasant planted parking courtyard. While the majority of properties retain timber casement windows, there are a number of properties where windows have been replaced with uPVC windows of similar design.

1.2 The application property is a two storey mid terrace house, facing the parking courtyard.

- 1.3 To the rear of Nos. 1-7 are two blocks of garages. To the north is the railway embankment. Beverley Court is a private road with access from both Breakspears Road and Wickham Road. The main access is from Breakspears Road while the garages are accessed from Wickham Road.
- 1.4 The site is in the Brockley Conservation Area, which is subject to an Article 4 Direction. The property is not a listed building although Beverley Court is in close proximity to St. Peters Church in Wickham Road which is listed Grade II.

2.0 Planning History

The Application Property

- 2.1 DC/13/84187: Lawful Development Certificate (Proposed) in respect of the construction of a single storey extension to the rear of 12 Beverley Court, SE4 together with the installation of 2 roof lights to the rear roof slope in connection with the conversion of the loft. Granted and implemented.

Other Relevant Planning History

- 2.2 November 2012 – Planning Committee C resolved to take no further action in respect of PVCu windows that had been installed in 5 and 6 Beverley Court without the benefit of planning permission. (See Appendix A)
- 2.3 DC/14/88102: The installation of replacement uPVC double glazed windows in all elevations of 13 Beverley Court, Breakspears Road, SE4. Granted and implemented.
- 2.4 There is an application, which is also included in this agenda, in relation to the installation of replacement PVCu windows at the front, flank and rear elevations in addition to the replacement of french doors to the rear at 7 Beverley Court (DC/14/88236).

3.0 Current Planning Application

The Proposal

- 3.1 The current application is for the installation of replacement uPVC double-glazed windows at the front and rear elevations in addition to the replacement of the timber front door, french doors and associated top side window to the rear at 12 Beverley Court, Breakspears Road, SE4.
- 3.2 The original windows are timber and single glazed.

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 A site notice was displayed and letters were sent to three residents in the surrounding area.

Written Responses received from Local Residents and Organisations

- 4.3 An objection were received on behalf of the Brockley Society. The concerns raised relates to the replacement of the timber windows with uPVC and that other properties in Beverley Court having been granted planning permission does not create a precedent.

4.4 Amenity Society Panel

- 4.5 Objects to the use of uPVC framed windows that would not preserve or enhance the character and appearance of the Conservation Area.

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, 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 that (paragraph 211), 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.

Other National Guidance

- 5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents. The relevant guidance is:

Design

Conservation and

London Plan (March 2015)

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 5.3 Sustainable design and construction

Policy 7.4 Local character

Policy 7.8 Heritage assets and archaeology

Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together 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 2 Regeneration and Growth Areas

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 Plan

- 5.8 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 Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development

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

Brockley Conservation Area Supplementary Planning Document (December 2005)

- 5.9 This document advises on the content of planning applications, and gives advice on external alterations to properties. It sets 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 and architectural and other details. It also sets out detailed guidance on the limited development that may be acceptable within Brockley Mews - mainly within Harefield Mews.

6.0 Planning Considerations

- 6.1 The relevant planning considerations are main issues to be considered are whether the proposal is of a high quality design, whether it preserves and enhances the character and appearance of the Brockley Conservation Area and whether the amenity of neighbouring properties is affected.
- 6.2 other relevant planning consideration is the Planning Committee's decision not to take enforcement action against the unauthorised installation of uPVC windows at numbers 5 and 6 Beverley Court.

Design & Conservation

- 6.3 There is a statutory duty placed on the Council to only approve development which preserves or enhances the character and appearance of the Borough's Conservation Areas.
- 6.4 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 6.5 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.
- 6.6 DM Policy 31 states that the Council will expect alterations and extensions to be of a high, site specific, and sensitive design quality and respect and/or complement the form, setting, period, architectural characteristics and detailing of the original building. In addition, replacement windows should closely match the pattern of the original windows.

- 6.7 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 states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving and or enhancing their character and or appearance, will not grant planning permission where alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.8 The most significant issue when assessing the acceptability of replacement windows and doors in a conservation area is the impact on the character and appearance of the property and on the wider conservation area. The existing original windows are side and top-hung timber casement windows with small rectangular panes in a two by four pattern. The rear double doors to the garden have a similar design.
- 6.9 The proposed uPVC windows and doors are proposed to be installed within the existing openings and are very similar to the original windows in form, pattern, frame width and the external glazing bar detail. The proposed lounge window on the ground floor front elevation is made up of four windows of which the middle two have top lights.
- 6.10 The proposed dining room window on the ground floor side elevation is made up of four windows, the middle two have top fan lights. The proposed dining room french doors in the ground floor rear elevation measure 1.2m in width and just over 2m in height. Each door is flanked by a window panel of the same height and 0.48m in width.
- 6.11 Generally, in conservation areas such as Brockley, where Victorian houses predominate, timber is the required material for replacement sliding sash windows, in order to preserve the historic character of the area. PVCu replacement windows are uncharacteristic of period properties in the Brockley Conservation Area, as they tend to have thicker frames and a shiny appearance.
- 6.12 The Brockley Conservation Area Character Appraisal describes the character of the area and identifies a number of character areas. Beverley Court is within Area 1: Wickham, Breakspears, Tressillian and Tyrwhitt Roads. The appraisal describes various styles of period houses within this area, however no mention is made of Beverley Court. The character of the area is that of a large Victorian suburb. Houses tend to be large and set in wide tree-lined roads with extensive front and rear gardens, some with mews at the rear, adding to the area's spacious and leafy appearance. Beverley Court is a post war development constructed on a backland site, behind the area's principal streets.
- 6.13 It is considered that because Beverley Court is in a more isolated location away from the historically significant streets of the conservation area, the visual impact on the character of the area as a whole is almost non-existent. It is the view of the Council's Conservation Officer that in terms of detailing the priorities for Beverley Court are to keep the general neo-Georgian appearance of the houses as a group and to maintain the coherence and consistency of Beverley Court as a development. The form of the windows (side hung casements and fanlights), the pattern of the glazing (eight small rectangular panes in a 2x4 pattern), the narrow frames and the external glazing bars are important details.

- 6.14 The proposed windows at 12 Beverley Court are similar to the originals in form, pattern, frame width and the external glazing bar detail. The proposed replacement front door will be a timber Severn door in Anthracite Grey colour to match some of the neighbouring properties.
- 6.15 In 2012 when possible enforcement action was considered when PVCu windows were installed at 5 and 6 Beverley Court, the Committee took the view that the harm of the UPVC windows in this location was not so significant as to warrant enforcement action. While that decision need not fetter future decisions, it is nevertheless a material consideration. Since that decision planning permission was granted under delegated powers in 2014 for the installation of replacement PVCu windows in all elevations at No. 13. In addition it has been noted that Numbers 14, 16 and 17 have installed uPVC windows in the front elevations, without planning permission. At No.14 all windows have been replaced; at No. 16 a ground floor window has been replaced and at No. 17 a first floor window has been replaced. All three properties have kept the glazing bar pattern of the original windows. It is consequently felt that, in this case, the scheme would not harm or detract from Brockley Conservation Area or the neighbouring properties and therefore it adheres to Core Strategy Policies 15 and 16 and DM Policies 30, 31 and 36.
- 6.16 The Article 4 Direction came into effect in January 2006; part of the research underpinning the Conservation Area Character Appraisal involved a survey of alterations to the Victorian properties (not including Beverley Court) in the conservation area which demonstrated that the extent of unsympathetic alterations taking place was beginning to erode the character of the conservation area, hence justifying the removal of the householder permitted development rights to make alterations that are visible from a highway without planning permission. It is not considered that Beverley Court has the same characteristics of historic buildings that lead to the removal of householder permitted development rights.
- 6.17 In this case, the UPVC windows and replacement timber entrance door are considered not to harm the heritage significance of the conservation area due to Beverley Court's isolated location, at the rear of the historically significant streets and the modest contribution it makes to the character of the area.
- 6.18 The proposed replacement windows are not considered inappropriate due to the proportions and glazing patterns which reflect those of the original windows. In terms of the character of Beverley Court itself the use of alternative window materials (such as PVCu) is not considered inappropriate.
- 6.19 Officers consider the proposal in this instance to be acceptable in terms of its design and visual impact. As such the proposal is considered to be consistent with DM Policies 30 and 36.

Impact on Adjoining Properties

- 6.20 There would be no material impact on the amenities of neighbouring properties from the windows or doors as levels of sunlight, daylight, outlook, privacy and noise would remain the same.

Equalities Considerations

- 6.21 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.22 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.23 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.24 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.25 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 6.26 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

- 6.27 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.

Conclusion

- 7.0 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) The London Plan (2011) and the National Planning Policy Framework (2012).

- 8.0 In summary it is considered that, despite the installation of uPVC windows raising concerns in a Conservation Area, it is recommended that in this case the proposed development be accepted given the precedent set and the property's location within the Brockley Conservation Area.

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:
1A/L.P. /12B.C.B.R./06.13 Rev. 2, Casement Window Details & Cross-Section A-A, Casement Window Cross-Sections B-B & C-C, Windows & Rear Door Design, Heritage Statement, Windows & Doors Photographs, Photographs of Severn Door & Anthracite Grey Colour

Reason

- (1) 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.

INFORMATIVES

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.