

Committee	PLANNING COMMITTEE C	
Report Title	122B Drakefell Road, London, SE14 5SQ	
Ward	Telegraph Hill	
Contributors	Simon Vivers	
Class	Part 1	17 December 2015

Reg. Nos. DC/15/90865

Application dated 09 February 2015

Applicant Mr David Boswell

Proposal The installation of double glazed timber framed windows to the front elevation of 122B Drakefell Road, London SE14

Applicant's Plan Nos. Site Location Plans, Photographs (received 9 February 2015), Heritage Statement (received 23 March 2015), Drawings for David Boswell - 122B Drakefell Road Rev A pages 1 - 9 (received 7 July 2015).

Background Papers (1) Case File DE/46122/TP  
(2) Core Strategy (Adopted June 2011) and Development Management Local Plan (adopted November 2014)

Designation PTAL 3  
Telegraph Hill Article 4(2) Direction  
Telegraph Hill Conservation Area  
Not a Listed Building  
C Road

## **1.0 Property/Site Description**

- 1.1 The application relates to the ground floor flat of a three level terraced property located on the southern side of Drakefell Road, SE14. The property is divided into three separate units. This application relates to the ground floor flat, 122B.
- 1.2 The front elevation of the host building contains bay windows at all floor levels. At the ground floor flat, these windows are timber framed and single glazed sliding sash. Original windows at the front elevation of the flats at lower ground floor and first floor have been replaced with UPVC.
- 1.3 The front elevation windows of the ground floor flat include timber panels at their base which are approximately 30cm high. These panels are also included within the bay window of the adjacent ground floor flat at 124 Drakefell Road. No other properties within the street include such panels.

1.4 The site is located within the Telegraph Hill Conservation Area and its Article 4 Direction area. Drakefell Road sits within the Conservation area from Kitto Road to the east and Wallbutton Road to the west. The street predominately consists of original windows, or replacement windows which reflect an original form.

## **2.0 Planning History**

2.1 DC/12/80844: Planning application for the installation of one replacement double glazed box sash window at first floor level in the rear elevation of 122B Drakefell Road, SE14 (planning permission granted 15<sup>th</sup> October 2012).

2.2 DC/13/84130: Planning application for the installation of two replacement timber sliding sash double glazed windows in the rear elevation of 122B Drakefell Road, SE14 (planning permission granted 15<sup>th</sup> October 2013).

2.3 There is no planning history relating to the timber panels in the ground floor windows or the replacement UPVC windows at lower ground floor and first floor levels on the front elevation.

## **3.0 Current Planning Application**

3.1 The application seeks approval for the replacement of three single glazed timber framed windows at the front elevation with double glazed timber framed sliding sash windows. The windows form a bay window, with a large middle window and smaller windows to the side.

3.2 The proposal seeks to retain the timber blanking panel at the base of each window.

## **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 Adjoining occupiers, The Telegraph Hill Society, the Amenity Societies Panel and Telegraph Hill ward Councillors were notified. A Conservation Area site notice was also displayed.

### Written Responses received from Local Residents and Organisations

4.3 No responses received.

### Written Responses received from Statutory Agencies

4.4 No responses received.

## **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 (March 2015)

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

Policy 7.4	Local character
Policy 7.6	Architecture
Policy 7.8	Heritage assets and archaeology

#### Core Strategy

5.6 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:

- 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

5.7 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. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

5.8 The following policies are considered to be relevant to this application:

- 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)

5.9 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 and accessibility, and materials.

### **6.0 Planning Considerations**

6.1 The main planning considerations for this application are:

- a) the design and its impact on the host building and the character and setting of neighbouring buildings and conservation area; and
- b) impact that the proposal has on the amenity of adjoining occupiers.

#### Design

6.2 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable

development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

- 6.3 In respect of determining planning applications relating to heritage assets, NPPF paragraph 131 advises that:

*“local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.”*

- 6.4 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30 and 31, seeks to apply these principles. The Council’s Residential standards SPD provides officers with further detailed guidance to apply to such residential proposals.

- 6.5 DM Policy 30 supports the Core Strategy as it sets out detailed principles to support good urban design in the borough and the Council will require alterations to existing buildings to attain a high standard of design. The policy also addresses detailed design issues and states that planning applications must demonstrate the creation of a positive relationship to the existing townscape to preserve an urban form which contributes to local distinctiveness, such as building features. Furthermore, building materials used should be of high quality and either match or complement the existing development.

- 6.6 DM Policy 31 sets out more specifically how to achieve good quality alterations to existing buildings and states that proposals for alterations will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features. It further states that replacement windows where controllable by the Council should closely match the pattern of the original windows.

- 6.7 DM Policy 36 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 are incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials. This policy also notes that development which in isolation would lead to less than substantial harm but which would cumulatively affect the character and appearance of the conservation will not be approved.

- 6.8 The special interest of the area derives from the attractive detailing of the houses and the sense of group identity provided by the use of common design elements and a limited palette of materials. In Drakefell Road, the full-height canted bay windows and paired entrance doors provide a strong rhythm to the streetscene. Windows of properties in the street are

predominately original, or are replacement windows which reflect an original form.

- 6.9 Opening and window types were originally of consistent height, form and type. The vertical sliding sash window, originally of a two-over-two pattern, are the norm. At No. 122b, the format has been changed some time in the past to provide smaller sash windows to the upper ground floor windows, inserting a solid bottom timber panel to the opening. This has no historic precedent and makes the windows look at odds with the openings at upper floor level and with the windows of the neighbouring properties, such as Nos. 118 & 120, which have retained their original openings.
- 6.10 Houses of this period and status also had traditionally the largest windows to the upper ground floor, because these retained the main reception rooms, and it looks particularly out of character to have this traditional arrangement reversed in the existing windows and their proposed replacement.
- 6.11 The Telegraph Hill Conservation Area was designated in 1990 and the Council introduced an Article 4 Direction to the area in April 2008, the purpose of which is to control small scale changes to the properties that affect the group value.
- 6.12 The subject property and the neighbouring property are observed to be the only two properties in the vicinity where timber blanking panels have been installed at the front elevation. The street scene is otherwise high quality and well preserved, particularly in terms of windows within the front elevation. Policy DM 36 seeks an enhancement where appropriate, in this case the restoration of the original window design to 122B, in order to deliver an enhancement to the character of the Conservation as a whole.
- 6.13 The proposal seeks to retain the blanking panels, which causes fundamental conflict with the Council's policies for the replacement windows at the front elevation of a property. The level of conflict is significantly increased given the proposal would cause harm to the Conservation Area, by diluting its special interest which is derived from the attractive detailing common to the properties in Drakefell Road.
- 6.14 The blanking panels do not have the benefit of planning permission and had an application been made to introduce these, it would not have been supported as they fail to respect the detailing of the original windows.
- 6.15 The panels are shown to have been in place for over four years and, together with the uPVC windows at lower ground floor and first floor level of the property, are therefore lawful.
- 6.16 Officers requested that the application plans be amended to indicate removal of the blanking panels to reinstate the original openings of the windows, which is considered necessary for the proposal to be policy compliant. Removal of the blanking panels would result in lowering of the internal windowsill from approximately 55cm to 25cm above the floor level.
- 6.17 The applicant has provided objection to this request, due to a concern over the increased overlooking and direct views which they feel would occur from

the street and the external stair landing, and a loss of safety through the establishment of a trip hazard when open.

- 6.18 It is noted that the pair of properties share a stair landing which sits higher than those of other properties in the vicinity. The panels are unlikely to prevent any overlooking from the landing, given they are positioned well below eye level of a person using the landing. In addition, it is considered that the number of people using the stairs is likely to be low and they are likely to move through the space rather than pause.
- 6.19 The living room facing the street would be subject to a degree of overlooking. Ground floor rooms of a property which face a street inherently experience a lower level of privacy than windows located on other elevations. This relationship would not be unusual for the street or in general.
- 6.20 Given the blanking panels are only installed at ground floor, it is considered that their inclusion would have been more related to amenity than hazard reduction. The applicants representations are noted, however the constraints are not unique, and it is considered that the risk could be managed through the internal design of the window sills.
- 6.21 Approval of this application would set an undesirable precedent for the insertion of panels in windows of properties which have a similar relationship to the street or which have a low internal windowsill height, and also encourage more general departure from the Council's objectives for replacement windows and alterations, whether or not situated within a Conservation Area.
- 6.22 As such, officers do not consider that the existence of these panels can justify their retention in the proposal which is contrary to relevant policies. The proposed windows are out of character with the property in question, and giving permission for the proposed replacement windows would perpetuate the harm caused by the existing windows. Moreover, approval would create an undesirable precedent with the potential to cause cumulative harm to the character and appearance of the Conservation Area.
- 6.23 The proposal is considered acceptable in terms of secondary details such as glazing thickness, window horn details and the use of timber material. In the event that the scheme is approved, these elements would not require modification.
- 6.24 In light of the above, the proposal as a whole is considered to be unacceptable with regards to design and impact on the Conservation Area.

#### Residential Amenity

- 6.25 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must therefore be demonstrated that proposed alterations are neighbourly and that significant harm will not arise with respect to overbearing impact, loss of

outlook, overshadowing, loss of light, loss of outlook or general noise and disturbance.

6.26 The proposal does not include the creation of additional windows. It is therefore not considered that the proposal would introduce any loss of amenity to neighbouring properties.

6.27 In light of the above, the proposal is considered to be acceptable with regards to neighbouring amenity.

## **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.

7.5

## **8.0 Conclusion**

8.1 The proposed development is considered to be unacceptable with regards to design, would not respect the original detailing of the building and would have a negative impact on the character of the conservation area, and planning permission is therefore recommended to be refused.

## **9.0 RECOMMENDATION:**

REFUSE PERMISSION for the following reason:-

1. By reason of the design failing to reflect the original window pattern due to the retention of a lower blanking panel, the proposed replacement windows would be an incongruous alteration, undermining the architectural characteristics of the host building, and would harm the character and setting of the neighbouring buildings and the Telegraph Hill Conservation Area, contrary to Policy 15 High Quality Design for Lewisham Policy 16 Conservation areas, heritage assets and the historic environment for



Lewisham of the adopted Core Strategy (2011), DM Policy 30 Urban Design and Local Character and DM Policy 31 Alterations and Extensions to Existing Buildings including Residential Extensions, 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 of the Development Management Local Plan (2014), and the Residential Standards SPD of the Local Development Framework (2012).