

Committee	PLANNING COMMITTEE (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 16 FEBRUARY 2017

## MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 05<sup>TH</sup> January 2017.

### LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (A) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 5<sup>th</sup> January 2017 at 19:30.

PRESENT: Councillors Amrani (Chair), Bourne (Vice Chair), Adefiranye, Hilton, Jeffrey, De Ryk, Till and Walsh

OFFICERS: Max Smith and Suzanne White – Planning Service, Kevin Chadd – Legal Services, Amanda Ghani – Committee Co-ordinator

APOLOGIES: Councillors Raven and Kennedy. Councillor Walsh was not present for Item 3 on the agenda.

#### 1. DECLARATION OF INTERESTS

There were no declaration of interests.

#### 2. MINUTES

Members approved minutes for 2<sup>nd</sup> June 2016 and 17<sup>th</sup> November 2016.

Councillor Stella Jeffrey addressed the committee with regards to a meeting at Hither Green Baptist Church on 6<sup>th</sup> September 2016. Due to comments minuted at the meeting which stated The Chair (Cllr Jeffrey) was biased; the councillor decided to withdraw from discussions over Item 3 on the agenda.

#### 3. Land adjoining 25, Fordyce Road SE13 (Item 3 on the agenda)

The Planning Officer Max Smith gave details of the existing vacant site, which contains garage buildings and was originally part of the rear garden of 45 Lewisham Park. He explained that the site is still considered part of the 45 Lewisham Park planning unit, even though it is now in separate ownership. He stated that officers were unable to support an original proposal for a four storey block of eight residential units on the site due to scale,

siting and an over complicated building form. Other development options were explored between the applicant and the planning department before the submission of this application. The officer then outlined the current proposal for four, three-storey, three-bedroomed houses highlighting their good contemporary design quality and that they would be 0.5m lower than properties on the opposite side of the road. He stated that there would be no impact on biodiversity and that the development included ample amenity space. He advised that, although officers would normally be against back garden development, in this case material considerations applied, including the large size of the original plot of No.45 the site's street frontage, lack of ecological impacts, the fact that a large garden would be retained for No.45, the good quality design of the scheme, the fact that impacts on neighbours were acceptable and the scheme's compliance with residential standards.

The officer pointed out a mistake in Condition 3 – Construction Management Plan which should be amended to include the line “development shall be undertaken in accordance with the approved details.”

Cllr Hilton asked whether the ‘study area’ on the second floor met the London Plan room standards.

The officer answered that it did even though much of the room is under the eaves. The Councillor then asked if the developments were to be described as four bedroom houses, would the standards still be met. The officer conceded that two of the four units would fall short of the minimum floor areas if that was the case.

Cllr Adefiranye stated he was unclear as to whether any development on the site would be classified as infill or back garden. The planning officer gave clarification that it is back garden development with infill characteristics. The Councillor asked the officer to reiterate the policy for back garden development. To which the officer replied we resist development, but do make exceptions if on balance other material considerations carry sufficient weight, as in this case. The Councillor asked how often such exceptions are made. The officer opined that all applications are dealt with on merit and on a case by case basis; stating that the planning authority does not need to take a rigid view. He added that it is unusual for a site to have such a large rear garden and that the policy is strong enough to defend development where there is harm.

The Chair asked whether there were further gardens adjacent to the site. The officer confirmed there were and that the applicant had considered the impact if the adjacent plot was developed.

The Committee received verbal representation from Richard Coutts the Architect. He provided a number of photographs and drawings of the site and of other projects his firm has been involved with for members' consideration. Mr Coutts spoke of the high quality and calibre of the scheme. He stated that the refused application had been dealt with by another architect and that this application had a design led approach which had successfully met Planning Policy regarding distances between properties, daylight, amenity, parking and ecology issues. The architects had made themselves available for public consultations. Mr Coutts made several statements claiming that colleagues at the GLA would be more than happy with this proposal and that many of his designs were award winning. In summing up, Mr Coutts reminded members that the site was not in a conservation area and there were no listed buildings nearby; the development would sit comfortably in the area.

Cllr Hilton opined that what is considered high quality design is personal and subjective and whilst she was not averse to the principle of housing on the site she felt overall the units were of poor design and too numerous.

The councillor noted that the irregular room shapes would not allow furniture to sit comfortably within them, whilst two of the units do not meet room standards if they were described as four-bedroom units. Furthermore, there was not enough storage space in the units and questions were raised over the size of the gardens.

Mr Coutts referred to his photographs showing a successful development of similar style apartments in Culverley Road, that he had been involved with. He reiterated that room sizes met the parameters set out in the London Plan; being of good proportions. By building up into the roof, he believed the design mitigates against future applications for loft development. Mr Coutts stated that if we are unable to build on the green belt we need to densify cities and make full use of brownfield sites.

Cllr De Ryk found Mr Coutts statements regarding the opinions of members of the GLA to be arrogant. The councillor, stated that the development would be overbearing in relation to the Victorian terrace opposite. The front elevation was considered too flat and aggravating to neighbouring residents and found his other examples to be more interesting in terms of design; though found the Culverley Green development similarly overbearing. She also shared Cllr Hilton's concerns over lack of storage space.

Mr Coutts said he took on board the concerns of members, but counter claimed that design cues for the development had been taken from the Edwardian terrace opposite. He reiterated that the applicant had gone through a lengthy process with the planning department and he thinks this is a good design.

Cllr Till asked if any amenity society had supported the application.

Mr Coutts replied that a previous scheme in a conservation area that he had been involved in had been approved by the Brockley Society. The Cllr stated that the proposed development looked like a set of warehouses, out of character with the area and he did not understand what the other application Mr Coutts had highlighted, had to do with this application.

Cllr Adefiranye thanked Mr Coutts for an excellent presentation and asked whether he had been involved in any successful schemes regarding back garden development in the borough. Mr Coutts stated that the site was legally separated from 45 Lewisham Park over 10 years ago and is considered an infill site. He stated that he had not been involved in any back garden schemes since Lewisham demanded too much paperwork and high level drawings making such applications too risky.

Cllr Bourne commented on the proposal saying it was too bulky and questioned the number of units and trend to maximise profits.

Mr Coutts asked the planning officer to show a slide from the initial presentation showing varying heights of the buildings. Again, he reiterated that his team had positively engaged and that advice from the planning department had been taken on board when coming up with this scheme and he felt the rug could now be pulled from under his feet. The Chair asked how Mr Coutts defined the site, infill or back garden. Mr Coutts retorted it was definitely an infill site.

The committee received verbal representation from two objectors, Gregory Jones Planning QC, school governor and City of London Councillor and Ros Orr, both neighbouring residents. Ms Orr spoke first and stated that the site was not hardstanding but was full with vegetation and wildlife. She considered the proposal an enormous overdevelopment. Whilst she understood the need for housing, it was wrong to cram houses into a small site. Mr Jones called the design sub-standard and rebuked the architect for saying that the

aesthetics fell outside planning consideration. He opined the proposal was considered as critical development in an area which was being looked at to become a conservation area. Mr Jones described the proposed living accommodation as substandard, with a lack of storage, garden and amenity space. He advised members that Lewisham Policy trumps London Policy. Mr Jones stated the planning report was legally flawed since the Council's position is that this is a garden site. Consequently, the report is strongly presumptive against policy and is in breach of the development plan and has been dealt with on the basis of it being infill development. Mr Jones threatened to take the case to judicial review if members voted in line with the planning officer's recommendation. He added that there are six houses with large rear gardens in the row and this scheme could set a precedent.

(An unidentified voice from the public gallery called time)

Mr Jones continued that it was untrue that Lewisham demanded too much information to be submitted when dealing with back garden development. He said architects seek to brow beat Local Authorities.

The Chair asked members if they had any questions. Cllr Till asked to hear from Kevin Chadd, the Council's legal representative. Mr Chadd clarified the legal position regarding policy interpretation, advising that the question of policy and how it's interpreted is for officers. The officer says that the site is back garden, but members can reach a different decision. Cllr De Ryk said that we need to support policy which members have been incremental in making. The councillor asked whether by sub-dividing a garden and changing ownership, the planning status is changed. The planning officer explained that planning status would remain the same unless the use has changed and although the planning department have changed their view on the status of the land following new information, the proposal remains approvable. The Chair pointed out the disparity asking if the site were infill would it be permissible. The officer said it likely would be on balance and on its own merits and quoted part of Policy DM 33, stating in terms of harm on this site the assumption was made that development would be acceptable due to the road fronting the site and the houses on the existing street scene. The officer continued that when assessing the development proposal, material considerations need to be looked at and in this case such considerations supported the scheme.

Cllr Hilton asked if other sites could be developed. The officer advised that each application is considered on its merits. Cllr Adefiranye noted that a scheme on a similar site had been refused recently. Cllr Amrani asked the officer to go through the issues raised. The officer advised that we have a plan led system unless material considerations suggest otherwise. Kevin Chadd advised that S36 says decisions should be made according to the plan unless material considerations apply. Material considerations could be sufficient to overrule policy but it depends on what they are and the weight of them.

The Chair reviewed the recommendation before members. Cllr Amrani voiced concerns over Council policy on back garden development not being met along with issues over design, scale and bulk and failure to meet residential standards, including garden size standards and cautioned careful consideration by members.

Councillor Adefiranye moved a motion to reject the officer's recommendation and refuse the application on the principle of back garden development, design and overdevelopment and residential standards. It was seconded by Councillor Till.

Members voted as follows:

FOR: Councillors Amrani (Chair), Bourne (Vice-Chair), Hilton, Jeffrey and De Ryk

RESOLVED: That planning permission be refused in respect of application No. DC/16/096329.

Councillor James Walsh arrived at the committee meeting. Max Smith left the committee meeting.

4. 36 Mount Ash Road (Item 4 on the agenda)

Suzanne White the Planning Officer outlined details of the revised proposal for the construction of a single/part two storey extension to the rear of the property. The officer pointed out the unusual staggered water closet feature on these properties and noted the difference in land levels. Six objections were received from Residents and the Sydenham Society. The officer listed the objections pertaining to the first submission and noted that a construction management plan had been submitted along with the application.

Cllr Walsh enquired as to any similar development in the locality and where the objectors live in relation to the subject site. The planning officer mentioned a number of two storey developments in the road and passed a photograph to members showing an extension at number 27. The officer stated that Mount Gardens is an adopted road that runs to the rear of the property, but that in comparison with other properties in the row, the subject site was well screened from Mount Gardens.

The Committee received verbal and written representation in the form of a two-sided Q & A sheet from Steven Gardener, the owner of number 36. The sheet showed how the applicant had addressed objections from neighbours. Mr Gardener's wife and architect were also in attendance. Mr Gardener began by saying that his neighbours at number 35 had accepted the amendments made to the application. He said he and his wife had done substantial work on the property in the three years they had lived there, including installing timber sash windows in the front elevation. The proposed extension would incorporate a kitchen/diner on the ground floor with a nursery on the first floor. Mr Gardener noted that 2 similar extensions have been approved on the road. Amendments made, include the use of brick rather than render and a reduction in the extensions size.

There were no questions from members.

The Committee received verbal representation from Mr Haydar an adjoining neighbour and from Mary Mckernan representing the Sydenham Society.

Mr Haydar said he had only seen the revised application today. He stated that he used his garden for relaxation purposes and existing extensions in the area were ugly and awful looking. He referenced a two storey extension at number 29 as being okay, but said he didn't want to see any more on this terrace. The proposal was thought to be overbearing and out of scale compared to existing development in the vicinity, causing a loss of light and overshadowing. Mention was also made of a stream that runs underneath the properties.

Mary Mckernan showed a photograph of motor vehicles parked on the road at Mount Gardens to illustrate how unsuitable the highway is for deliveries. Ms McKernan added that many of the extensions on this terrace did not obtain planning permission and are overbearing in nature. The jigsaw effect at the rear of these properties was highlighted as a historically important feature worthy of preservation.

The planning officer showed members the proposed drawing of the rear of the property, pointing out setbacks from shared boundaries which should mitigate loss of light and

overshadowing. The officer stated that Highways had no issues regarding this proposal, having reviewed the construction management plan as fit for purpose. The officer also advised that she was aware that there are enforcement cases relating to Mount Ash Road, but did not know the details.

With regards to possible overshadowing, Cllr Walsh asked for clarification on the orientation of the properties rear gardens, to which the officer replied north-west. The councillor asked the officer if the Article 4 Direction specifically mentioned the jigsaw pattern of the original water closet at the rear of these properties. The officer confirmed that the Article 4 Direction makes no specific mention of this feature.

As members had no further questions, Councillor De Ryk moved a motion to accept the officer's recommendation and grant planning permission. It was seconded by Councillor Walsh.

Members voted as follows:

FOR: Councillors Amrani (Chair), Bourne (Vice-Chair), Adefiranye, Hilton, Jeffrey and Till.

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RESOLVED: That planning permission be granted in respect of application No. DC/16/98020 subject to the conditions outlined in the report.

#### 5. 274 Brockley Road SE4 2SF (Item 5 on the agenda)

The Planning Officer outlined details of the proposal regarding demolition of the existing property, retention of the front façade and the construction of a new building behind to incorporate 4 self-contained flats. The officer mentioned that the proposal retains the original London roofline and brought members attention to a previous application for five flats which had been refused and subsequently dismissed on appeal. The officer outlined the arrangement of the units, cycle and bin storage and spoke of amendments made to the application including separate access for the two lower flats and the provision of a courtyard space.

Cllr Walsh and Cllr Jeffrey noted that the windows seemed disproportionately large for a corner unit. The officer replied that discussions had taken place with the applicant and the windows were thought to be acceptable. Members thought the principle good but overall the design was not worthy or sympathetic enough for a site opposite a conservation area.

The Committee received verbal representation against the proposal from Will Duggan a long term resident and near neighbour. Mr Duggan stated that there were restrictive covenants regarding building beyond the existing building line. The planning officer stated that although she was unaware of them, any covenants would not restrict the planning process and would be dealt with as a civil matter. Mr Duggan spoke of the development leaving minimal space to the rear. Disruption and inconvenience to neighbours and members of the public was also highlighted. Mr Duggan opined that the existing property could be converted into three flats and that demolition of a Victorian property to secure one further flat was ridiculous. Mr Duggan stated that the proposal would not be a high quality contribution to the street and questioned the number of bins required for the proposed units, stating that a minimum of 8 bins rather than the proposed 5 would be needed. The planning officer conceded that there

would be limited and temporary impact on the public regarding closure of the pavement, but that a condition could be imposed regarding a construction management plan.

Cllr Hilton asked if the development would remain within the existing footprint. The planning officer stated that the development would extend to the flank wall with a terrace above, leaving a courtyard garden. Cllr De Ryk asked if it was feasible to demolish all but the façade and was informed it was and that the Inspectorate had raised no objection to this part of the previous proposal.

Cllr Walsh expressed concern regarding rooms with a single aspect and reiterated his concern with the design of the windows, citing policy DM 30 and 32. Members agreed that the windows are too large and that a more sympathetic design rather than tweaking details was needed.

Suzanne White sought clarification from members that the fenestration was the only concern and advised that if Members were minded to defer the application, further discussions could be had with the applicant to redesign this element within the scope of the current application.

The Chair asked if members were minded to defer the matter so that negotiations on design and consequent reconsultation could take place.

Councillor Walsh motioned to defer. It was seconded by Councillor Hilton.

Members voted as follows:

DEFER: Councillors Amrani (Chair), Bourne (Vice-Chair), Adefiranye, Jeffrey, De Ryk and Till

RESOLVED: To defer a decision on the application to allow officers to negotiate amendments to the fenestration design on Brockley Road.

#### 6. 76 Lock Chase, SE3 9HA (Item 6 on the agenda)

The Planning Officer outlined details of the proposal regarding a single-storey rear extension. Following on from objections from the Blackheath Society, a number of changes were made to the application including removal of a proposed side extension; deletion of the proposed alterations to the front boundary crossover and the removal of the proposed roof light within the front roof slope including reductions to the quantum glazing within the rear elevation.

The Blackheath Society maintain their objection to the aluminium glazed doors on the south elevation.

The Committee received verbal representation from Geoff Watkins the Architect. He stated that he was not involved in past refusals linked to the site. The proposal, he said, was simple and modest and would maximise use of the garden space whilst providing large open plan living accommodation. Further reduction of the glazed area would fail to achieve this goal. The roof dormers give the option to subdivide internal space.

Cllr Walsh asked why the proposal included aluminium windows on such a high quality site. The architect replied that the original small, leaded casements were of no historic worth. Cllr Bourne asked if there were any similar developments in the area, the architect was unaware of any. Cllr De Ryk addressed members confirming that there were similar developments in

the area and commented that Lock Chase is beautiful with a particular character. The house in question is of lesser significance than others on the street scene. The councillor went on to state that you cannot see the back of this property from the public realm and therefore it was frustrating that the Blackheath Society had maintained their objection to the proposal.

Since there were no further questions from members, Councillor Hilton moved a motion to accept the officer's recommendation. It was seconded by Councillor Bourne.

Members voted as follows:

FOR: Councillors Amrani (Chair), Adefiranye, Jeffrey, De Ryk, Till and Walsh

RESOLVED: That planning permission be granted in respect of application No. DC/16/098004 subject to the conditions outlined in the report.

The meeting ended at 9.50pm.

Chair

5 January 2017