

Committee	PLANNING COMMITTEE (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 19 JANUARY 2017

## MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 20<sup>th</sup> October 2016.

### LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in THE ACCESS POINT, LAURENCE HOUSE, CATFORD SE6 on 20<sup>th</sup> October 2016 at 7:30PM.

PRESENT: Councillors: Reid (Chair), Ogunbadewa (Vice-Chair), Ingleby, Mallory, Moore, Muldoon, Paschoud, Wise, McGeevor, Bourne.

OFFICERS: Michael Forrester - Planning Service, Kevin Chadd - Legal Services, Andrew Harris - Committee Co-ordinator.

#### 1. DECLARATION OF INTERESTS

No initial declarations of Interests were recorded.

However following the clarification of case reference numbers during the meeting, Councillor Mallory noted an acquaintance with the objectors of item 3 on the agenda and asked that it be recorded within the minutes.

#### 2. MINUTES

The minutes of the meeting of Planning Committee (B) held 20<sup>th</sup> October 2016 need amendments and will be agreed and signed at the next meeting subject to changes.

#### 3. 18 GLENTON ROAD, LONDON, SE13 5RS

The Planning Officer Michael Forrester outlined the details of the case. He went on to clarify paragraph 6.11 in the report, stating that planning permission was currently required for the construction of the rear extension, as the property had been converted into flats and had therefore forfeited its permitted development rights. However if the property was converted back into a single family dwelling, the proposed extension could be completed under permitted development.

Councillor Paschoud followed, asking if the property's permitted development rights would not be fully reinstated until after the conversion back to a single family dwellinghouse was complete, to which the Planning Officer Michael Forrester confirmed they would not.

Councillor McGeevor noted that the application reference number listed in the report was for another application. The Planning Officer Michael Forrester confirmed that this was a typing error and that the correct case number for the application was DC/16/098659. He went on to state that the report itself was accurate, and that the only error was the incorrect case reference number which had been listed.

Following the clarification of the case reference number, Councillor Mallory noted a pre-existing acquaintance with the objectors from their childhood and asked that it be recorded within the minutes.

Councillor Reid (Chair) then confirmed with Members that they were all clear what the correct case reference number was, which Members confirmed they were. Kevin Chadd (Legal Services) then stated that the reference number error within the report would not affect the determination of the application at the meeting, and that the decision notice would have the correct reference number attached if the application were approved.

The committee then received verbal representation from Ms Michelle Shannon (Applicant), who presented the scheme and responded to Members questions. Ms Shannon relayed to Members that her desire was to convert the flats back into a single family dwelling in order to accommodate her family and that the property was in a poor state and required renovation to restore it. She noted that multiple revision had been made to the application to ensure it was in line with both council policy and the character of the surrounding area. She stated that she was happy for a condition to be attached restricting the use extension's roof as a balcony and noted that the extension could be built without permission following the conversion of the property back into a single family dwelling.

Councillor Paschoud inquired as to why Ms Shannon desired an extension in addition to the reuniting of the building. Ms Shannon responded by stating the additional space was required for their day to day family and work needs.

Councillor Ingleby sought clarity over the size and location of the proposed balcony. Ms Shannon confirmed that it would have the same size and area as the existing balcony, and would be located in the same position.

The committee then received verbal representation from an objector, Mr Brian Clover (Neighbour). Mr Clover outlined concerns regarding the design and visibility of the proposed extension, and how it would be out of keeping with the area. He stated that the construction of a roof terrace would have an adverse impact on the privacy of neighbouring properties and that future occupiers of the application dwelling may extend the balcony further onto the roof of the extension.

Councillor Reid (Chair) followed by asking Mr Clover if he was aware of permitted development rights. Mr Clover stated he was not, at which point Councillor Reid (Chair) proceeded to explain that the works could be carried out without planning permission following the conversion of the property back into a single family dwelling.

Councillor Paschoud asked if anything could be done to protect the future use of the balcony, to which the Planning Officer Michael Forrester confirmed a condition would be

attached to restrict the enlargement of the balcony further onto the roof of the proposed extension.

Councillors Ingleby and Paschoud then sought further clarification regarding the materials. The Planning Officer Michael Forrester stated that the roof would be in lead and that conditions could be attached to secure the materials and reveals.

Councillor Wise noted that it was nice to see the conversion of the property back into a family house.

Councillor Reid (Chair) asked the committee if further clarification was required to determine the application. Members stated this was not required and Councillor Muldoon moved a motion to accept the Officer's recommendation, subject to conditions. It was seconded by Councillor Ogunbadewa (Vice-Chair).

Members voted as follows:

FOR: Reid (Chair), Ogunbadewa (Vice-Chair), McGeevor, Muldoon, Ingleby, Wise, Paschoud, Moore

ABSTAINED: Mallory

RESOLVED: That planning permission be granted in respect of application No. DC/16/098659 subject to the conditions outlined in the report.

#### 4. 134 PEPYS ROAD, LONDON, SE14 5SG

The Planning Officer Michael Forrester outlined the details of the case.

Councillor Reid (Chair) noted that local objections had highlighted the removal of Victorian features as an issue. She asked for justification as to why this was acceptable within the conservation area. The Planning Officer Michael Forrester indicated that the removal of windows and doors would not constitute development and could be replaced without the need for planning permission. He then stated that because of this, a refusal was not considered to be justified.

Councillor Paschoud queried the proposed materials. The Planning Officer Michael Forester confirmed that the materials would differ from those of the original dwellinghouse, but that this was done to achieve a contemporary design. He then confirmed that a condition could be attached to secure the materials.

The committee then received verbal representation from Mr Tom Hennessy (Applicant), Mrs Sophie Hennessy (Applicant) and Ms Coral Sellars (Agent). Mr Hennessy relayed to Members that the scheme was in line with council policy, would not result in any loss of daylight or sunlight to any adjoining property and would be constructed in high quality materials to materials. He went on to highlight that they had sought two pre-application meetings with the planning department and that multiple amendments had been adopted following these.

Councillor Wise noted that two objections had highlighted concerns regarding light pollution from the proposed rooflights and asked if this would be visible from Drakefield Road. Mrs Hennessey acknowledged that some light would be visible, but asserted that it would not be much worse than the light from the existing windows.

Councillor McGeevor then sought clarity over the longevity of the proposed timber cladding. Mrs Hennessey confirmed that the extension itself would be built in brick, with timber cladding and vegetation on top. She stated that annual maintenance would be required, but that it was in their interests as the owners to maintain it. Councillor Reid (Chair) highlighted that a condition had been recommended regarding the details of the timber cladding. Councillor McGeevor asked the applicant how the timber would be maintained with the presence of vegetation, and whether the vegetation would have to be removed to achieve this. Mrs Hennessey responded by stating the proposed extension would feature guttering between the brick and cladding which would aid the longevity of the cladding. She then added that the initial materials would be of a high quality and would be long lasting.

The committee received verbal representation from an objector, Mr Bacchus (Chair, Telegraph Hill Society). Mr Bacchus stated that the society's objections were based on the conservation of the property and the Telegraph Hill Conservation Area, and that the preservation of just the front elevation of such properties would lead to a sense of 'façadism'. He argued that an extension could be built which retained the bay window and noted that this had been proposed in a previous application, but had now been changed for a more modern design. He went on to raise concerns regarding the impact on the neighbouring property, the harmful precedent which would be set and the proposed materials would not complement the Victorian design, contrary to paragraph 6.19 in the Officers Report. Finally he noted a similar application at a different site had previously been refused at committee for the loss of a visible side bay window.

Councillor Ingleby asked Mr Bacchus to confirm the address of the previous refusal, to which Mr Bacchus stated he only knew the reference number to be DC/14/98277.

Councillor Moore sought clarification of the relevance of the previously refused application and asserted that a previous refusal did not constitute a binding precedent on the committee. Councillor Reid (Chair) added that the application should be determined on its own merits.

Councillor Mallory asked if the council's Conservation Officer had objected to the proposal, to which the Planning Officer Michael Forrester confirmed they had not. Councillor Mallory then outlined his concerns regarding the growing disfiguration of properties and reinforced the importance of sustaining the existing fabric of the conservation area. He then asked if the council's Conservation Officer specifically supported the development. The Planning Officer Michael Forrester stated that the Conservation Officer had raised no objections to the contemporary design in principle and that the proposal was considered acceptable in heritage terms, subject to conditions.

Councillor Reid (Chair) then asked at what point such a development would be considered unacceptable, and whether this undermined the principle of the conservation area. The Planning Officer Michael Forrester responded stating that the principle of the conservation area was not to restrict change, but instead to ensure it is managed in an acceptable manner. He stated that rear extensions within conservation areas were acceptable in principle with regard to council policy, subject to design, scale and appropriate materials. He then emphasised the existence of similar contemporary extensions within other conservation areas.

Councillor McGeevor asked Members if they would be content for all bay windows were lost within the conservation area. The Planning Officer Michael Forrester then reminded Members that the removal of the window did not require planning permission.

Councillor Reid (Chair) followed by asking if permission was required for windows within a conservation area, to which the Planning Officer Michael Forrester confirmed was not

required when not visible from the public realm. Councillor Ogunbadewa (Vice-Chair) then asked for legal clarification. Kevin Chadd (Legal Services) relayed to members that the applicant would not need permission to remove and brick up the window.

Councillor Paschoud then questioned whether just because development was not visible from the public realm, this constituted a 'free for all' to change the existing architecture. The Planning Officer Michael Forrester stated that this was not the case, and that the council required all developments to attain a high standard whether visible or not. However, he asserted that in this instance as the development would not be visible, change would be acceptable subject to it being of a high quality.

Councillor Mallory then outlined concerns regarding the nature of the proposed changes and their impacts on the nature and character of the property conservation area. Councillor Moore then asked if the application were refused and subsequently appealed, whether the decision was likely to be upheld, to which Kevin Chadd (Legal Services) stated it was not his place to say.

Councillor Reid (Chair) then asked Councillor Mallory to clarify his position. Councillor Mallory responded stating that he believed the proposal would adversely impact the character and appearance of the application dwelling, which would impact the Telegraph Hill Conservation Area. He also stated to members that while the committee had already approved a rear extension in a conservation area earlier that night, he had abstained from the vote.

Councillor McGeevor followed by stating she had serious concerns regarding the loss of the window and the original glass. She stated that she felt the proposal failed to protect the integrity of the building and would result in the loss of an original window and door. Councillor Paschoud then said she would second a motion to refuse based on the loss to the building. Kevin Chad (Legal Services) followed by asking members to clearly outline a motion if they intended to refuse the proposal based on its impact and character. Councillor Reid (Chair) asked if this was a legal reason for refusal, which Kevin Chad (Legal Services) confirmed it was.

Councillor Ingleby asked if it would be possible to defer the application to allow the applicant to re-work the design. Councillor Reid (Chair) confirmed that this was an option, but asserted to Members that they had sufficient information to form a decision.

Councillor Mallory then moved a motion moved to reject the application, contrary to the Officer's recommendation. The motion was seconded by Councillor Paschoud.

Members voted as follows:

FOR: Mallory, Paschoud, McGeevor, Muldoon.

AGAINST: Reid (Chair), Ogunbadewa (Vice-Chair), Moore, Wise, Ingleby.

Kevin Chad (Legal Services) informed members that another motion would need to be proposed in order to approve the application.

Councillor Ogunbadewa (Vice-Chair) then moved a motion to accept the Officer's recommendation, subject to conditions. It was seconded by Councillor Wise.

Members voted as follows:

FOR: Reid (Chair), Ogunbadewa (Vice-Chair), Moore, Wise, Ingleby.

AGAINST: Mallory, Paschoud, McGeevor, Muldoon.

RESOLVED: That planning permission be granted in respect of application No. DC/16/098361 subject to the conditions outlined in the report.

5. LAND TO THE REAR OF 13 CALMONT ROAD, BROMLEY, BR1 4BY

The Planning Officer Michael Forrester outlined the details of the case, which was recommended for refusal by Officers. Councillor Reid (Chair) queried whether there was an objection in principle to the proposed development, to which the Planning Officer Michael Forrester confirmed there was.

Councillor Paschoud raised the issue of fly tipping at the site and queried whether the development would help this. The Planning Officer Michael Forrester stated that the issue of fly tipping could be escalated and addressed via other council departments. Councillor Wise added that, while it was unfortunate that fly tipping was occurring at the site, that it was the owner's responsibility to dispose of the refuse.

Further questions from members followed including why the vehicle crossover to the property was in the rear garden and whether the garden was one site or common access. The Planning Officer Michael Forrester stated that the positioning of the vehicle crossover within the rear garden was common for corner properties and confirmed it was a single garden which had been divided into two residential gardens.

The committee then received verbal representation from Miheer Mehta (Agent) and Mr Sam Shah (Agent). Mr Mehta outlined to members that the scheme result in an additional family house for the borough and had received no objections from local residents. He went on to state that similar proposals had been either supported by the council or refusals overturned at appeal, highlighting applications in Lawrie Park Road and Stanstead Road. Finally he argued that the refusal was based solely on the Council's DM Policy 33, but argued that in this instance it would not be applicable as the development would leave an adequately sized rear garden for 13 Calmont Road.

Questions from members followed including clarification over the current use of the garden and why pre-application advice was not sought. Mr Shah answered, firstly stating that the garden had been sectioned off and sold as a separate parcel of land sometime in the past. He went on to state that pre-application advice had not been sought following feedback from a previous planning manager that the scheme would not be supported and that pre-application advice would therefore unproductive and costly.

Councillor Ingleby then sought clarification regarding the proposed cladding and the previously proposed green roof which had subsequently been removed from the scheme. Mr Shah confirmed that the building would be finished in a high quality self-drying/self-cleaning render, rather than cladding. He went on to confirm that the green roof had been removed following advice from Council Officers that it would be acceptable, but that the scheme would still meet and exceed sustainability standards.

The committee then received verbal representation from Councillor André Bourne who was speaking in favour of the application under standing orders. Councillor Bourne highlighted to members that a petition with 26 signatures had been received in support of the application, with not a single objection being received. He went on to assert that the site in its current

state was a nuisance to locals and an embarrassment for Lewisham. Councillor Bourne then stated that the application was in his opinion clearly an infill development rather than a back garden development and that it should be determined on its own merits. Finally he highlighted to members that if the refusal were to be overturned at appeal, the council could be liable to out of pocket costs.

Councillor Paschoud then asked whether local residents would be in support of the application if the gardens had not already been divided. Councillor Bourne responded, stating they were in support during the first application before the site had been split, and that the community were in support of the scheme and the creation of a new family dwelling.

Councillor Wise then stated that while she was strongly in support of increased housing within the borough, that in this instance at this site she did not feel the proposal was appropriate. She went on to state that while she had great sympathy for the residents who were affected by the fly tipping, the site was still a garden and that there were measures to tackle the fly tipping issued. Councillor Mallory then asserted that council policies were in place for a reason, while Councillor Ingleby stated that but for its location, the proposal would be acceptable.

Following further deliberation by Members, Councillor Ogunbadewa (Vice-Chair) moved a motion to reject the Officer's recommendation to refuse the application. It was seconded by Councillor Ingleby.

Members voted as follows:

FOR: Ogunbadewa (Vice-Chair), Ingleby.

AGAINST: Reid (Chair), McGeevor, Mallory, Wise, Paschoud, Moore

ABSTAINED: Muldoon

Councillor Wise then moved a motion to accept the Officer's recommendation to refuse the application. It was seconded by Councillor Moore.

Members voted as follows:

FOR: Reid (Chair), McGeevor, Mallory, Wise, Paschoud, Moore

AGAINST: Ogunbadewa (Vice-Chair), Ingleby.

ABSTAINED: Muldoon

RESOLVED: That planning permission be refused in respect of application No. DC/16/098248 in line with Officer's recommendation.