

Committee	PLANNING COMMITTEE B	
Report Title	44 Dartmouth Row, London SE10 8AW	
Ward	Blackheath	
Contributors	John Miller	
Class	PART 1	19 January 2017

<u>Reg. Nos.</u>	DC/16/99250
<u>Application dated</u>	24.11.2016
<u>Applicant</u>	Mr P Medley, Green Tea Architects
<u>Proposal</u>	Retrospective application for alterations to a raised garden terrace, including the replacement of a shared boundary fence and the demolition of a lean-to extension at the rear of 44 Dartmouth Row SE10.
<u>Applicant's Plan Nos.</u>	486-100 P01, 486-100-01 P01, 486-100-02 P02, 486-100-03 P02, 486-101 P02, 486-111 P02, 486-112 P02, 486-200-02 P02, 486-200-03 P02, 486-201 P02, 486-211 P02, 486-212 P03, Design and Access Statement, Heritage Statement
<u>Background Papers</u>	(1) This is Background Papers List (2) Case File LE/143/44/TP (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Blackheath Conservation Area

2.0 Property/Site Description

- 2.1 The application relates to a three storey detached dwelling house located on the western side of Dartmouth Row, between the junctions of Morden Hill and Dartmouth Grove. Dartmouth Row is predominantly comprised of other detached dwelling houses.
- 2.2 The majority of the dwellings retain sash windows to the front elevation in the style typical of other properties in this part of the Conservation Area. The front of the property looks out onto the eastern side of the road towards the Church of the Ascension Blackheath. The rear of the property has a steady downwards slope and looks out onto the rear garden and is not visible from the public realm.
- 2.3 The application site is located within the Blackheath Conservation Area but not subject to the Blackheath Article 4 Direction.

3.0 Planning History

- 3.1 DC/02/51469/X - The alteration of the existing outdoor lavatory to the rear of 44 Dartmouth Row SE10 to provide a plant house – **Granted**
- 3.2 DC/16/98191 - The construction of alterations to an existing raised garden terrace at the rear elevation of 44 Dartmouth Row SE10 – **Withdrawn**

4.0 Current Planning Applications

The Proposals

- 4.1 Permission is sought for alterations to the rear garden including a raised garden terrace at the rear of the property, a replacement boundary fence and the demolition of a lean-to extension at the rear of the property.
- 4.2 The proposals have been constructed, completed on 10 February 2016 and the application is therefore retrospective.

5.0 Consultation

- 5.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received.
- 5.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents and Organisations

- 5.3 Representations have been received from Spencer House 23 Dartmouth Row, 42 and 46 Dartmouth Row and the following objections are summarised below:
- The works are retrospective and undertaken without consultation
 - Terrace now adjoins the side boundaries
 - Proposal is in contravention of the Blackheath Conservation Area
 - Impacts upon privacy
 - Works are illegal
 - Inaccurate 'previous' plans
 - Loss of historic fabric

Copies of letters are available to Members to view.

6.0 Policy Context

Introduction

- 6.1 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)

6.2 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

6.3 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)'.

6.4 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

6.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan (March 2016)

6.6 In 2016, the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

Core Strategy

- 6.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The following lists the relevant policies as they relate to this application:

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

- 6.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The following lists policies as they relate 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)

- 6.9 This document sets out guidance and standards relating to design and standards of residential accommodation.

7.0 Planning Considerations

- 7.1 The main issues to be considered in respect of this application are:

- a) Principle of Development
- b) Design
- c) Impact on Adjoining Properties

Principle of Development

- 7.2 The works are retrospective, the building is not statutorily listed and the works therefore do not constitute unlawful development, but are currently unauthorised hence the application for retention.
- 7.3 There is no in-principle objection to alterations to the rear of this building including the garden where terraces are a feature of these properties, subject to works being of a high design standard and of an acceptable neighbourly impact.
- 7.4 Officers note the comments regarding the inaccuracy of the 'previous existing' plans however, as the application for the retention of the works as built, a recommendation is based upon the 'proposed as built' drawings.

Design

Raised Terrace

- 7.5 The proposal extends a further 0.25m from the existing raised garden terrace to create a total platform of 1.5m depth from the rear elevation, whilst removing the metal balustrades providing an open plan design. The proposal remains the same height as the previous terrace, but now extends out to the boundary with no 42 Dartmouth Row. The terrace itself is contemporary in design and raises no design objection where it remains clearly subservient to the host dwelling and is not visible from the public realm.

Demolition of Rear addition and installation of doors

- 7.6 The demolition of the rear lean-to extension, which was granted planning permission under application number DC/02/51469, is considered acceptable as it added little architectural value to the dwelling, represents a modern extension and is not of historic or value.

Boundary fence

- 7.7 A new wooden fence has been installed along the boundary wall with number 42 Dartmouth Row. The fence has a height of 2.6m from lower ground level and 1.5m at terrace level due to the slope of the land and is of high visual quality, appropriate for the garden setting.

Impact on Adjoining Properties

- 7.8 It is accepted that in established residential areas such as this, there is an element of mutual overlooking which is natural i.e. from rear windows. The new rear raised terrace platform is not considered to adversely add this this impact, given it is the same height as that previously in existence and is only marginally deeper by 250mm. Although objections have been received from the neighbouring properties regarding a loss of privacy, there remains a high boundary fence and natural vegetation along both boundaries, which provides sufficient screening. The applicant has installed raised planter boxes at the terrace along the boundary with no 42 Dartmouth Row, which provide additional screening. Although officers note planters are moveable, given their size, which contain trees, are likely to remain in situ, however, even without the planters the relationship between both properties is considered acceptable.
- 7.9 The installation of a new set of rear doors in place of the demolished extension raises no amenity concerns as it looks out onto the rear of the property only.

Community Infrastructure Levy

- 7.10 The above development is not CIL liable.

8.0 Equalities Considerations

- 8.1 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.

8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.3 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. In this matter, there is no impacts upon equality.

9.0 Conclusion

9.1 This application has been considered in the light of policies set out in the development plan and other material considerations.

9.2 In summary, the changes to the existing raised garden terrace, with the demolition of the lean-to extension at the rear of the property and new fencing are considered acceptable with regard to design and residential amenity and appear to preserve the character of the property and the conservation area.

10.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

1. Retain development in accordance with approved plans:

The development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

486-100 P01, 486-100-01 P01, 486-100-02 P02, 486-100-03 P02, 486-101 P02, 486-111 P02, 486-112 P02, 486-200-02 P02, 486-200-03 P02, 486-201 P02, 486-211 P02, 486-212 P03, Design and Access Statement, Heritage Statement

Reason: To ensure that the development is retained 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.