

Committee	PLANNING COMMITTEE C	
Report Title	37 CHALSEY ROAD, LONDON, SE4 1YN	
Ward	LADYWELL	
Contributors	Russell Brown	
Class	PART 1	2nd February 2017

Reg. Nos. DC/16/099137

Application dated 15.11.2016

Applicant Mrs N Soar

Proposal The construction of two dormers with infill link in-between to the rear roofslope of 37 Chalsey Road, SE4, together with the insertion of a rooflight into the front roofslope.

Applicant's Plan Nos. 37CR/P/01; Site Location Plan; Heritage Statement Received 15th November 2016

37CR/P/02; 37CR/P/03; 37CR/P/04; 37CR/P/05; 37CR/P/06 Received 4th January 2017

Background Papers

- (1) Case File LE/112/37/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) London Plan (March 2016)

Designation Brockley Conservation Area

Screening N/A

1.0 Property/Site Description

1.1 The application site is situated on the north-western side of Chalsey Road, a sloping street, close to Hilly Fields Park and comprises a two storey plus loftspace, mid-terraced single family dwellinghouse built of red brick. The purple front door has a porch above, and to the left of that there is a canted bay topped by a stuccoed gable end with further stucco around the timber sash windows.

1.2 At the rear there is an original two storey outrigger constructed in red brick with a pair of timber french doors to its rear elevation. They lead out onto wooden decking and, beyond that, a small garden, which is mostly grassed.

1.3 The property is within Brockley Conservation Area, subject to an Article 4 direction, but is not a listed building nor in the vicinity of one.

2.0 Relevant Planning History

2.1 DC/03/55069/FT: Lawful Development Certificate in respect of the installation of 2 windows in the side elevation of 37 Chalsey Road SE4. **Granted.**

3.0 Current Planning Application

- 3.1 The application proposes the construction of a roof extension, consisting of two dormers with a recessed 'infill mansard link' in-between, to the rear roofslope.
- 3.2 The roof extension would measure 3.1m deep by 4.45m wide by 1.95m high with the recess measuring 1m deep by 1.95m wide. The dormers would feature uPVC framed sash windows and would be finished in natural slate and lead flashing with felt roofs.
- 3.3 The application also proposes the insertion of a conservation style rooflight flush to the front roofslope.
- 3.4 The application has been revised so the southern-most dormer lines up with the window below, the finishing material has been changed from artificial slate for the dormers.

4.0 Consultation

- 4.1 No pre-application advice was sought.
- 4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 Site and public notices were displayed and letters were sent to eight adjoining addresses, Ladywell Ward Councillors, the Brockley Society and the Council's Conservation Officer.

Written Responses received from External and Internal Consultees

- 4.4 The Brockley Society supported the proposed rear elevation, but objected to the front rooflight because it does not comply with current policy in the Brockley Conservation Area SPD and would be contrary to the appeal decision at 46 Wickham Road (which supported the refusal for the insertion of a front rooflight in Brockley 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 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, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2015 as further altered in 2016). 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.

London Plan (March 2015)

- 5.6 On 10 March 2015 the London Plan (as further altered in 2016) 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

- 5.7 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 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change
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

Residential Standards Supplementary Planning Document (updated May 2012)

Paragraph 6.7 states that when considering applications for roof extensions they should be sensitively designed to retain the architectural integrity of the building.

6.0 Planning Considerations

- 6.1 The relevant planning considerations are the impact of the proposal's design on the character and appearance of the existing building and of Brockley Conservation Area in addition to any impact on the amenities of neighbouring occupiers.

Design and conservation

- 6.2 The two dormer windows would be of a traditional scale and proportions. The set in from the south western party wall would be approximately 350mm so that the dormer would align with the windows below. The second dormer window would be set in by 500mm in compliance with the Residential Standards SPD. Given the length of the rear wing of the house, it is not necessary to require this dormer to align with windows on lower floors.

The introduction of the 'infill mansard link' in-between the dormers would increase space within the loft extension whilst appearing subordinate to the two dormer windows. Although in conservation terms it would be preferable for the two dormers not to be linked, given the modest nature of the link, its visual subordination to the two dormers and the fact that it would not be visible from the public realm, on balance it is not considered to have an unacceptable impact on the conservation area.

- 6.3 The extension would otherwise comply with the principles set out in the Residential Standards SPD being set up from the roof eaves by 1m, set down

from the roof ridge and being successfully integrated with the architectural character of the building.

- 6.4 The windows would be uPVC sashes, which are acceptable since they are the style of windows prevalent to the rear elevations of properties in the area (apart from the host building in this case). Where rear elevations are not visible from the public realm, the use of non-traditional materials, such as uPVC, is considered appropriate. The other materials are acceptable as amended since the natural slate tiles would match those on the rear roofslope and the lead flashing is appropriate to the conservation status of the area.
- 6.5 The installation of a rooflight of a conservation style flush to the front roofslope is considered acceptable, given that there are other examples of roof lights within this street. A condition is recommended requiring it to be conservation style and flush to the plane of the roofslope.
- 6.6 Therefore, the proposed extension and rooflight are considered to be acceptable at this property and would not harm the character and appearance of the host property or the Brockley Conservation Area in accordance with Core Strategy Policies 15 and 16, DM Policies 1, 30, 31 and 36 and paragraph 6.7 of the Residential Standards Guide SPD.

Impact on the amenity of neighbouring occupiers

- 6.7 107 and 109 Tressillian Road are to the rear of 37 Chalsey Road. However, while the extension would be visible, given the distance between the properties, it is considered there would be no significant impact on the amenities of those properties.
- 6.8 The proposed roof extension is not considered to impact on levels of noise, outlook, daylight or sunlight currently experienced by neighbouring occupiers. Given that the windows on the first floor already overlook surrounding properties, there would be no significant impact to their privacy. Therefore, the application is considered to be acceptable in terms of residential amenity and in accordance with Core Strategy Policy 15 and DM Policy 31.

Equalities Considerations

- 6.9 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.
- 6.10 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.

- 6.11 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.
- 6.12 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/>
- 6.13 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
- 6.14 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: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 6.15 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), London Plan (March 2015) and the National Planning Policy Framework (2012).
- 8.0 In summary it is considered that the proposal is acceptable in terms of its impact on the existing property, Conservation Area and adjoining residential properties.
- 9.0 **RECOMMENDATION: GRANT PLANNING 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:

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37CR/P/02; 37CR/P/03; 37CR/P/04; 37CR/P/05; 37CR/P/06 Received 4th January 2017

Reason: 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.

- 3) The rooflight to the front roofslope shall be conservation style and shall be fitted flush to the plane of the roofslope.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

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.