

Committee	PLANNING COMMITTEE C	
Report Title	194 TRESSILLIAN ROAD, LONDON, SE4 1XY	
Ward	LADYWELL	
Contributors	Russell Brown	
Class	PART 1	2nd February 2017

<u>Reg. Nos.</u>	DC/16/098709
<u>Application dated</u>	13.10.2016
<u>Applicant</u>	Mr N Bearman
<u>Proposal</u>	The construction of two dormers with a recessed link in-between to the rear roofslope of 194 Tressillian Road, SE4.
<u>Applicant's Plan Nos.</u>	194TRB/P/01; Site Location Plan Received 14th October 2016; Heritage Statement Received 28th October 2016; 194TRB/P/02 Rev B; 194TRB/P/03 Rev A; 194TRB/P/04 Rev A; 194TRB/P/05 Rev A Received 21st December 2016
<u>Background Papers</u>	(1) Case File DE/92/194/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	Brockley Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application property is located on the north west side of Tressillian Road, a residential road, with the property itself being close to St. Margaret's Road. The road is mostly comprised of two and three storey terraced and semi-detached residential properties as well as running in-between the east side of Lewisham Southwark College and the west side of its associated carpark where it adjoins Lewisham Way.
- 1.2 The application site is occupied by a two storey mid-terrace red brick built property in the Arts and Crafts style. It features a distinctive canted bay topped with a decorative hipped gable end to the left side of the recessed front doors. The property is split into two flats, of which this application refers to the first floor unit. It benefits from a front balcony bounded by railings accessed by french doors, which like the casement windows, are white painted timber framed.
- 1.3 At the rear there is an original two storey outrigger painted white with a lean-to with pitched roof to the rear of that. The rear garden is part hard paved, but mostly grassed and is approximately 21.5m deep from the rear wall of the main property.

1.4 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 Planning permission was **granted** on 2nd October 1991 for the alteration and conversion of 194 Tressillian Road SE4 to provide 2 two bedroom self contained flats.

2.2 An Established Use Certificate was **issued** on 5th November 1991 for the use of 194 Tressillian Road SE4 as 2 self contained flats.

3.0 Current Planning Application

3.1 The application proposes the construction of a roof extension, appearing as two dormers with a recessed 'infill mansard link' in-between, to the rear roofslope.

3.2 The roof extension would measure 3m deep by 4.05m wide by 1.95m high with the recess measuring 1m deep by 1.6m wide. The dormers would feature uPVC framed sash windows and would be clad in natural slate with felt roofs.

3.3 The application originally proposed artificial slate for the dormers and the recess to be set in by approximately 85cm.

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 12 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 objected because:

- The left hand rear dormer is too close to the chimney and parapet on the party wall with no. 196. This distance should be a minimum of 500mm.
- The mansard infill between the dormers sets an unacceptable precedent for the Conservation Area and therefore a more traditional solution is required.
- The materials are not satisfactorily specified and therefore cannot be assessed for compliance with Conservation Area standards.

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)

- 5.9 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 dormers would be of a traditional scale and proportions. The set in from the south western party wall would be approximately 400mm so that the dormer aligns with a window and door below, but this is not the case for the second dormer window, which would be set in by 500mm in compliance with the Residential Standards SPD. As this dormer is about the rear wing of the house, this position is acceptable as there are no windows immediately beneath it with which to align.

- 6.3 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.
- 6.4 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.
- 6.5 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 considered acceptable 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.
- 6.6 As such, the design, size and materials proposed for this rear roof extension is appropriate for the main property and the Brockley Conservation Area and the proposal complies with Core Strategy Policy 15, DM Policies 30 and 31 and paragraph 6.7 of the Residential Standards Guide SPD.

Impact on the amenity of neighbouring occupiers

- 6.7 145 and 147 Breakspears Road are to the rear of 194 Tressillian Road. However, while the extension would be visible, given the distance between the properties, it is considered to have no significant impact on the amenities of those properties. Likewise it would have no adverse impact on the ground floor flat.
- 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.
- 6.9 Therefore, the application is acceptable in terms of residential amenity.

Equalities Considerations

- 6.10 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.
- 6.11 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.
- 6.12 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.
- 6.13 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/>
- 6.14 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
- 6.15 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/>
- 6.16 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:

194TRB/P/01; Site Location Plan Received 14th October 2016

194TRB/P/02 Rev B; 194TRB/P/03 Rev A; 194TRB/P/04 Rev A; 194TRB/P/05 Rev A Received 21st December 2016

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.

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.