

Committee	PLANNING COMMITTEE C	
Report Title	174 ERLANGER ROAD, LONDON SE14	
Ward	TELEGRAPH HILL	
Contributors	JOSHUA OGUNLEYE	
Class	PART 1	31 AUGUST 2017

<u>Reg. Nos.</u>	DC/17/102060
<u>Application dated</u>	13.06.2017
<u>Applicant</u>	Mr and Mrs Humphrey
<u>Proposal</u>	The proposed construction of a single-storey extension to the rear of 174 Erlanger Road, SE14, together with the construction of a dormer and rooflights on the rear roof slope, and the provision of two conservation styled rooflights on the front roof slope.
<u>Applicant's Plan Nos.</u>	G208-100; G208-101; G208-120; G208-121; G208-122; G208-123; G208-124; G208-130; G208-131; G208-140; G208-142; G208-200; G208-201; G208-202; G208-203; G208-204; 208-400; G208-401; G208-402; G208-403; Design and Access and Statement; Heritage Statement (received 14th of June 2017). G208-300 Rev A (received 10th of August 2017). G208- Material Palette (received 16th of August 2017).
<u>Background Papers</u>	(1) DE/48/58/TP (2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)
<u>Designation</u>	PTAL 2 Telegraph Hill Article 4(2) Direction Telegraph Hill Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

The application relates to a two storey with basement mid terrace Victorian dwelling house located on the west side of Erlanger Road. The property is constructed of yellow London stock bricks. A two storey canted bay window with a top apex, housing timber sash windows sits on the property's front elevation. Entrance to the property is through a timber door, which sits on the right side of the property's fenestration along with decorative ornamental finishing details. The property has a hipped roof.

- 1.1 The property's rear elevation has an original two-storey rear projection as well as a 67m deep garden. The two-storey rear projection and deep garden is a character shared with other properties on the road.
- 1.2 The property fronts onto Telegraph Hill Park on the west side of Erlanger Road. The area in which this dwelling is located is predominantly residential, comprised of a mix of property types. Many of the neighbouring properties have had rear extensions and roof dormers installed most of which were granted permission recently. At page 6 in the Design and Access Statement submitted on behalf of the applicant are references to what are considered by the applicant to be local planning precedents of a similar nature to this application.
- 1.3 The property is in the Telegraph Hill Conservation Area and is subject to an Article 4(2) Direction. The property is not a listed building located near any listed buildings.

2.0 Relevant Planning History

Application site

- 2.1 No relevant planning history at the application property.

Adjacent sites

- 2.2 DC/16/097684- The construction of a dormer and rooflights on the rear roof slope of 172 Erlanger Road, SE14 and the provision of two conservation styled rooflights on the front roof slope. Granted 08/11/2016.
- 2.3 There is an existing single storey rear extension at 176 Erlanger Road (this can be seen in photograph 04 in the Design and Access Statement submitted on behalf of the applicant). It is not known if planning permission was granted for this extension, but an enforcement notice was issued by the Council in 1993 which required the height of the extension at 176 Erlanger Road to be reduced to 4m.

3.0 Current Planning Application

- 3.1 The proposed construction of a single-storey extension to the rear of 174 Erlanger Road, SE14, together with the construction of a dormer and rooflights on the rear roof slope, and the provision of two conservation styled rooflights on the front roof slope.

Proposed rear extension

- 3.2 The proposed single storey L shape side and rear extension would be constructed of grey brick finish on the rear wall and yellow London stock bricks on the side to match the existing house and would wrap around the rear projection. The extension would have a width at the rear of 5.6m, of which 2.1m projects off the side wall of the rear projection. It would have a depth of 2.645m from the rear wall of the projection and where it projects; back towards the main elevation would be 9.945m deep.
- 3.3 The single storey infill rear extension would be built with grey bricks and have a dark grey fibre cement flat roof with a height of 3m. Due to the rear gardens's sloping topology it would have a height of 2.45m on the boundary wall with No.176 and a height of 3m on the boundary wall with No.172.
- 3.4 The boundary wall on the northside would be built on to contain the extension.

Proposed rear dormer

- 3.5 The construction of a dormer window on the rear roof slope measuring 2.3m(w) x 2.14m(d) x 1.25m(h). The proposed dormer would be constructed of cement fibre tiles on the side and a grey fibreglass is also proposed roof covering and house a timber window.

3.6 The development seeks to install two new conservation rooflights fitted flush on the front roofslope and one on the rear. The proposed rooflights would measure 0.85(w) x 0.75(h).

4.0 Consultation

4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.2 Site notices were posted, a public advert was published and letters were sent to neighbouring occupiers, the Telegraph Hill Society and local ward councillors.

4.3 A letter of support was received from an adjoining occupier (no. 172 Erlanger Road).

4.4 An objection was received from The Telegraph Hill Society, summarised as follows:

The application involves wholesale demolition of the existing ground floor walls and the removal of significant architectural features such as the first floor french windows, the balcony, the balcony stairs and the side bay window.

All these features are uncommon, relative unusual in this design of Victorian terraced town house and worth preserving. Their destruction is wholly unacceptable.

The design of the extension is uncompromisingly modern, with square blocky plate glass windows to therear, flat roof, little ornamentation, and a rooflight. The materials include aluminium doors and windows. None of these respect nor compliment, the conservation area. A wrap-around extension, even if it is well designed, destroys the relationship of the original rear extension of the building to the building as a whole.

Detrimental and unneighbourly impact on the adjoining property at 176 Erlanger Road. It presents a single long blank face of brick to the side of the property with no redeeming architectural features. It removes a considerable amount of light from the adjoining property and creates a potential narrow wind-tunnel down the side of the property.

Two huge rooflights which will shine up into the windows of the neighbouring property and will have a significant adverse effect on the amenity of that property.

The rear dormer is unsympathetically designed and coupled with the rear rooflights occupy a significant proportion of the roof area. In this case, however we do not feel the detrimental effects are particularly significant and do not object to the rear roof extension.

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.

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), the Development Management Local Plan (adopted November

2014) and policies in the London Plan (March 2015). The NPPF does not change the legal status of the development plan.

- 5.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council as a local planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

National Planning Policy Framework

- 5.4 The NPPF was published on 27th 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)'.
5.5 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

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

The London Plan Consolidated With Alterations Since 2011 (March 2016)

- 5.7 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

- 5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and 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:
Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

- 5.9 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 Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan.
5.10 The following policies are considered relevant 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 (Updated 2012)

- 5.11 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self-containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.
- 5.12 Paragraph 6.2 (Rear extensions) states that when considering applications for extensions the Council will look at these main issues:
- How the extension relates to the house;
 - The effect on the character of the area - the street scene and the wider area;
 - The physical impact on the host building, and the amenity of occupiers of neighbouring properties;
 - A suitably sized garden should be maintained.
- 5.13 Paragraph 6.3 (Materials) states that bricks and roofing material used to construct an extension should match those in the original building. However, the use of modern materials is supported where appropriate.
- 5.14 Paragraph 6.7 (Roof extensions) states that when considering applications for roof extensions the Council will look at these main issues:
- All roof alterations should be successfully integrated with and preserve the architectural character of the building, and be subordinate to the principal elevations.
 - Planning permission is always required for roof additions in Conservation Areas.
 - The type and style of windows used should be similar to those used in the main elevations and reflect their alignment.

Telegraph Hill Conservation Area character Appraisal and Supplementary Planning Document (March 2008)

- 5.15 Rear gardens are long especially those in Waller, Erlanger and Pepys Road – a reflection of the high status of the dwellings. Unusually there are no ‘back lanes’ or service roads to provide access to the rear of properties. This has prevented the building of rear garages and other modern accretions that sometimes mar the character of similar developments. The large areas of open space created by rows of back-to-back rear gardens add to the local distinctiveness of the area. There are good views of the backs of houses, as uniform in design as the fronts, and across green back gardens from where the east-west side roads (e.g. Arbutnot, Ommaney and Sherwin Roads) cut between the primary north-south roads.
- 5.16 For the reasons set out below, officers are of the view that the application if approved would not harm the Telegraph Hill Conservation Area, and would preserve or enhance the Telegraph Hill Conservation Area.

6.0 Planning Considerations

- 6.1 The relevant planning considerations for the proposal are the design of the additions and their impact on the character and appearance of the host building, the rear garden area and the roofslope in terms of scale and design of the proposed rear extension and the

impact this would have on character and appearance of the conservation area together with the impact on neighbouring amenity.

Design and Conservation

- 6.2 Paragraph 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 131 states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness'.
- 6.3 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character. Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment states that new development should be of high quality design and should preserve the historic environment and sense of place.
- 6.4 DM Policy 30 'Urban design and local character' states that the Council will require all development proposals to attain a high standard of design. 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' states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving and or enhancing their character and or appearance, will not grant planning permission where new development is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.5 DM Policy 36 New Development, changes of use and alterations affecting designated heritage asset and their setting advises that planning permission will not be granted if the proposed development is deemed incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

The proposed extension

- 6.6 The proposed single storey rear extension in this scheme would be proportionally subservient to the host property and neighbouring properties by virtue of its design and scale within the context of its rear garden area. Officers note that the grey bricks proposed would provide a visual break between the host property and the proposed extension preventing it from overwhelming the host property, this would be in line with DM Policy 30. Furthermore the use of glazing on the rear and roof would soften the extension's visual form within the rear garden area.
- 6.7 Officers note the proposed rear extension would not be visible from the public realm, therefore would not directly impact on the special character of the conservation area. Officers consider the combination of high quality materials and context specific design would be acceptable in this context. The loss of the ground floor bay feature, French door and stairs would not be considered detrimental to the host property's character within the scope of works proposed by the scheme. Officers consider the proposed extension would be compatible within the rear garden area due to the use of high quality materials and design in line with DM Policy 30, 31 and 36.

Proposed Dormer

- 6.8 The proposed rear dormer extension would have an acceptable size and scale in relation to the host property's roof structure and as such would remain subservient to the host property and neighbouring properties. The proposed rear dormer window at 174 Erlanger

Road is of a similar size and design to that granted pursuant to DC/16/097684 at 172 Erlanger, and the existing rear dormer window at 176 Erlanger Road. The rear dormer's design, positioning and alignment on the rear roofslope suggests the proposal would appear proportionate with the host building and the conservation area in which it sits, not resulting in a substantial loss of the original roofslope.

- 6.9 The proposed rear dormer would be roofed with dark grey fibreglass and the sides of Marley Eternite slate tiles. The conservation styled rooflights proposed for the front and rear roof slopes would be fitted flush and be suitably positioned in alignment with rooflights on neighbouring roofslopes and with the first floor windows. The proposed rooflights would be acceptable within the context of the conservation area and be considered a sympathetic addition to the host building in a way which preserves its character.
- 6.10 The proposed rear dormer and rooflights would be viewed alongside similar alterations that have already taken place on the roofslope of neighbouring properties. The size and design of the proposed roof extension means it would not appear incongruous on the host property's roofslope. Therefore, officers consider the proposed roof alterations would have an acceptable impact on the character and appearance of the conservation area.
- 6.11 In summary the proposed rear extension and roof extension would not be visible from the public realm and would have a limited visibility to neighbouring properties. The proposed extensions would be seen in context of neighbouring properties on either side and appear as high quality design, complementary to the character of the existing dwelling house, therefore preserving the character and appearance of the conservation area.
- 6.12 If this application should be approved, Condition 4 proposes to remove certain permitted development rights in respect of the property.
- 6.13 Paragraph 017 of that part of the Planning Practice Guidance that is concerned with the use of planning conditions states that:
- “Is it appropriate to use conditions to restrict the future use of permitted development rights or changes of use?
- Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances”.
- 6.14 However, as the property is situated in the Telegraph Hill Conservation Area officers, and for the reasons stated in draft Condition 4, officers consider that exceptional circumstances exist to justify the limited removal of certain permitted development rights as set out in the proposed Condition 4.

Residential Amenity

- 6.15 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must therefore be demonstrated that proposed alterations are neighbourly and that significant harm will not arise with respect to overbearing impact, overshadowing, and loss of light, loss of outlook or general noise and disturbance.
- 6.16 The proposed rooflights would not permit direct overlooking onto neighbouring properties; as such, there are no loss of privacy concerns.

- 6.17 The proposed extension would project 2.645m beyond the rear wall of No.172 with a height of 3m close to a side bay window. The boundary wall with No.172 is currently occupied by an outside toilet measuring 2.8m high with a depth of 1.6m. Officers consider the extension's limited depth would not result in an overbearing impact within the rear garden area of adjoining occupier. In addition to this, the impacted window is a secondary window; as such, the outlook impact would not be significant enough to warrant the refusal of this application.
- 6.18 The extension would have a height of 2.370m along the boundary wall with No.176 over a depth of 9.945m. Officers note the impacted section is not a functional amenity space and is more characteristic of a rear courtyard. The proposed extension's modest height along the boundary wall would not result in an unacceptable impact in terms of creating either a sense of enclosure or loss of light to neighbouring occupiers.
- 6.19 Considering the Telegraph Hill Society's light spill concern officers note the host property sits within an urban setting, adjoining other residential property where there already exists a variety of light sources in the streetscene and rear garden areas. Officers consider the use of the proposed extension as a kitchen would not result in harmful cumulative increase in light spill impact on neighbouring occupiers.
- 6.20 In light of the above, the proposed development is considered to be acceptable concerning neighbouring amenity.

7.0 Equalities Considerations

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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/>

- 7.5 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
- 7.6 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/>
- 7.7 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.

8.0 Conclusion

- 8.1 The application proposals have been considered against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) London Plan (March 2016) and the National Planning Policy Framework (2012).
- 8.2 The proposed development is considered to be acceptable with regards to its design and would not cause harm to the character and appearance of the conservation area or neighbouring amenity.

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:

G208-100; G208-101; G208-120; G208-121; G208-122; G208-123; G208-124; G208-130; G208-131; G208-140; G208-142; G208-200; G208-201; G208-202; G208-203; G208-204; 208-400; G208-401; G208-402; G208-403; Design and Access and Statement; Heritage Statement (received on the 14th of June 2017).

G208-300 Rev A (received on the 10th of August 2017).

G208- Material Palette (received on the 16th of August 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 (a) The development shall be constructed in those materials as submitted namely: Dark grey engineering brick; Yellow London stock brick; Dark grey/Anthracite aluminium window frame; Grey fibreglass roof covering; Brushed copper flashing; Cement fibre tile; Aluminium rooflight frame (dark grey); White painted timber casement window and in full accordance with G208- Material Palette.
- (b) The scheme shall be carried out in full accordance with those details, as approved.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

- 4 Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, of the Development Management Local Plan (November 2014).

Informatives

- A. 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.
- B.** You are advised that all construction work should be undertaken in accordance with the 'London Borough of Lewisham Good Practice Guide: Control of Pollution and Noise from Demolition and Construction Sites' available on the Lewisham web page.