

Committee	PLANNING COMMITTEE C	
Report Title	47 JERNINGHAM ROAD, LONDON SE14	
Ward	TELEGRAPH HILL	
Contributors	JOSHUA OGUNLEYE	
Class	PART 1	31 AUGUST 2017

<u>Reg. Nos.</u>	DC/17/102086
<u>Application dated</u>	14.06.2017
<u>Applicant</u>	Mr Dawson
<u>Proposal</u>	Demolition of the existing rear extension at 47 Jerningham Road, SE14 to enable the construction of a larger single storey ground floor rear extension with a sedum roof and rooflighting.
<u>Applicant's Plan Nos.</u>	001 Rev R1; 002 Rev R1; 003 Rev R1; 004 Rev R1; 005 Rev R1; 006 Rev R1; 007 Rev R1; 008 Rev R1; 009 Rev R1; 010 Rev R1; 011 Rev R1; 012 Rev R1; 013 Rev R1; 014 Rev R1; 015 Rev R1; 016 Rev R1; HERITAGE STATEMENT (received 3 rd July 2017); and DS089- 018; Materials Palette (received 21 st August 2017).
<u>Background Papers</u>	(1) DE/57/47/TW (2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)
<u>Designation</u>	PTAL 6a Telegraph Hill Article 4(2) Direction Telegraph Hill Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application relates to a three storey split plan semi-detached Victorian property situated on the west side of Jerningham Road. The property features a double bay window to the front, surrounded by stonework, fluted stonework columns and white painted timber sash windows. The original brickwork has been covered by white stucco and the original open porch has been enclosed with French doors.
- 1.2 The host property sits on a hill with a steep gradient, meaning that the rear of the property is half a level lower than the front. It shares similar architectural detail with other properties on the street, mostly comprised of properties of the same appearance and age, giving a consistent symmetry to the area. However, in the case of the application property, the original brickwork has been covered by white stucco and the original open porch has been enclosed with French doors.

1.3 To the rear, the original bay window within the rear projection has been replaced in the past by a small extension incorporating full height sliding glass doors and a pitched roof. The rest of the rear façade features London stock brick and white painted timber sash windows.

1.4 The property is in Telegraph Hill Conservation Area, and is subject to an Article 4(2) direction. It is not a listed building nor is it within the vicinity of a listed building.

2.0 Relevant Planning History

2.1 No relevant planning history

3.0 Current Planning Application

3.1 It is proposed to demolish the small rear rear extension and construct a larger single storey ground floor rear extension with a sedum roof and rooflighting.

The proposed rear extension would be constructed of stock bricks to match the existing house and would extend back from the rear projection by 2.54m. The extension would have a width at the rear of 5.5m, 1.48m wider than the rear projection.

3.2 The proposed extension would have a part flat part pitched roof with a maximum height of 3.646m and an eaves height of 2.85m. An abutment of 100mm would surround the sedum roof on the flat element. The pitched roof would be comprised of grey slate roof tiles.

3.3 To the rear of the extension, facing the garden, it is proposed to install aluminium folding sliding doors, while a window facing back towards the house would be of dark grey aluminium. Rooflights would be installed on the flat and pitched roof elements.

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

- Contemporary design style which pays no attention to conservation and makes no attempt to fit in with the Conservation Area. Uncompromisingly modern, with square blocky plate glass windows to the rear, flat sedum roof, little ornamentation and excessive rooflights. Materials include aluminium doors and windows. None of these elements preserve or enhance
- Previous loss of rear bay and timber windows not a justification for larger and equally-inappropriately designed extension. Extension does not preserve or enhance.
- The 'wrap around', being wider than the original rear element, destroys the articulation of the two parts of the building. Depth of extension is excessive and will adversely affect the enjoyment of that property.
- Brickwork shown as stretcher bond whereas existing is Flemish bond
- Impact on neighbouring amenity due to lightspill from rooflights
- Cumulative impact on 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.

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)

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. Arbuthnot, 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 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 neighbour amenities.

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.
- 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. Furthermore the use of glazing on the rear elevation and roof would soften the extension's visual form within the rear garden area.
- 6.7 Officers consider the combination of high quality materials and context specific design would be acceptable in this context. The concerns of the Telegraph Hill Society with regard to the contemporary design and materials is noted, however Officers are mindful

of Paragraph 60 of the NPPF which states that planning decisions “should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles”.

- 6.8 The rear of the dwelling at ground floor level is not visible from the public realm. Although the property backs on to the railway line, there is dense planting in between. As such, the proposed addition will have no impact on the special qualities of the Telegraph Hill Conservation Area.
- 6.9 Officers consider the form and detailing of the proposed extension would be complementary to the host dwelling and would preserve the character and appearance of the Conservation Area.
- 6.10 If this application should be approved, Condition 4 proposes to remove certain permitted development rights in respect of the property.
- 6.11 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”.

- 6.12 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

- 6.13 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.
- 6.14 The proposed extension would be set off the boundary with No 49 by 1.5m, whereas the existing rear projection is 3m from the boundary. The depth of the extension positioned closer to the neighbouring property would be 4.02m. The flat roof of the extension would have a height of 3.2m, falling to 2.5m at the eaves of the pitched element. The proposal would extend back from the existing rear projection by 2.54m along the boundary with No. 45. It is considered that at this scale and distance from the neighbouring boundaries, that the proposed extension would not appear overbearing or result in a significant impact on daylight or sunlight to neighbouring occupiers.
- 6.15 The proposed rooflights are either flat or angled towards the rear garden of the application property and therefore would not permit direct overlooking onto neighbouring properties. The extension includes a new window on the east side of the extension facing back towards the main dwellinghouse. This window would sit below the height of the intervening fence and, while it may afford oblique views towards the rear elevation of No. 49, it is not considered that the degree of overlooking would be significant.

- 6.16 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 living area would not result in harmful cumulative increase in lightspill impact on neighbouring occupiers.
- 6.17 In light of the above, the proposed development is considered to be acceptable with regards to 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:

- 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's proposal 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:

001 Rev R1; 002 Rev R1; 003 Rev R1; 004 Rev R1; 005 Rev R1; 006 Rev R1; 007 Rev R1; 008 Rev R1; 009 Rev R1; 010 Rev R1; 011 Rev R1; 012 Rev R1; 013 Rev R1; 014 Rev R1; 015 Rev R1; 016 Rev R1; and DS089- 018; Materials Palette (received 21st 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 and detailed on the approved Materials Palette.
 - (b) Notwithstanding the drawing submitted and approved, all new brickwork will match that of the existing house using Flemish Bond.
 - (c) The scheme shall be carried out in full accordance with the approved details.

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 and 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.

- 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 and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion.
- 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.