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| Committee | PLANNING COMMITTEE B | |
| Report Title | 2 Manor Mount SE23 | |
| Ward | Forest Hill | |
| Contributors | Amanda Ghani | |
| Class | PART 1 | 11 October 2018 |

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| <u>Reg. Nos.</u> | DC/17/099661 |
| LE/6 | |
| <u>Application dated</u> | 06/12/16 [valid 21/03/17] |
| <u>Applicant</u> | Blackheath Properties |
| <u>Proposal</u> | The retention of the roof replacement at 2 Manor Mount SE23 |
| <u>Applicant's Plan Nos.</u> | 2213/02, 2213/03, 2213/04, 2213/05, Heritage Statement, Roof Material Photographs, |
| <u>Background Papers</u> | (1) Case File LE/63/2/TP (2) Local Development Framework Documents (3) The London Plan |
| <u>Designation</u> | PTAL4 Forest Hill Conservation Area Forest Hill Article 4 Direction |
| <u>Screening</u> | [N/A] |

1.0 **Summary**

This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as:

- Permission is recommended to be approved and: there are 3 or more valid planning objections

2.0 **Property/Site Description**

2.1 The building is a four storey Victorian detached property that has been divided into 9 flats. It is a corner property, located on the south-western side of Manor Mount at the junction with Honor Oak Road. The property is situated within the Forest Hill Conservation Area, is subject to an Article 4 Direction and is not a listed building. Although not a locally listed property, the building is of local interest being the home of Dietrich Bonhoeffer between 1933-1935 a political activist in Germany during WW2.

3.0 Planning History

3.1 None

4.0 Current Planning Applications

The Proposal

- 4.1 The application was originally submitted to include a new driveway as well as the roof covering, however, the application was amended by the applicant and the application now only deals with the retention of the roof covering.
- 4.2 The application is for the retention of the new slate roof covering to existing roof slopes at 2 Manor Mount, SE23.
- 4.3 The roof tiles used consisted of Zamora Spanish Slate, which has a light textured surface with traditional dressed edges and small inert inclusions. The tile has a thickness of 4-7mm

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. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 5.2 Site notices were displayed and letters were sent to residents and businesses in the surrounding area and the relevant ward Councillors. The Forest Hill Society, the Council's Highways and conservation officers were also consulted.

Pre-Application Consultation

- 5.3 Duty planner advice was given on 29/02/16 regarding the repair and replacement of slate roof tiles and the laying of a new driveway in porous materials. PRE/16/002216. The applicant was advised that urgent repairs to the roof could begin, but that planning permission would be required for a replacement roof covering.

Written Responses received from Local Residents and Organisations

- 5.4 Comments were received from seven local residents in response to the first consultation. Following amendments to the proposal, four of those residents submitted further comments. The comments are summarised below:
- question the need to replace what appears to be a good slate roof. Only remedial work needed to flashings and repointing chimneys. A failure to reinstate reusable slates. The work was undertaken without the agreement of the residents, at an inflated rate.
 - Perfect slating underneath distorted leadwork. The leadwork appears to have been mangled subsequent to work starting.

- Roof was fully replaced in 2016 without planning permission. There are no photographs of the roof before the work was undertaken and no listing of any materials.
- Work commenced on the roof in January 2016 and was completed in September 2016. Existing and proposed materials not listed. There is no photographic evidence of the building requiring a new roof where repairs would suffice.

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.
- 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 (NPPF) 2018

- 6.3 The NPPF, originally published in 2012, was revised on 24th July 2018 and is a material consideration in the determination of planning and related applications.
- 6.4 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the revised NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the revised NPPF and in regard to existing local policies, that '...due weight should be given to them, 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)'.
- 6.5 Officers have reviewed the Core Strategy and Development Management Local Plan 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 213 of the NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

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

documents, and is subject to continuous periodical updates in difference subject areas

The Development Plan

- 6.7 The London Plan, Lewisham's Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan and together constitute the borough's Development Plan.

London Plan (March 2016)

- 6.8 The London Plan was updated on the 14 March 2016 to incorporate Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). Proposed modifications were released by the Mayor of London in August 2018 following review of consultation responses. Although still an early stage in this process, the draft with modifications has some weight as a material consideration when determining planning applications. Where the policies of the draft plan differ from the adopted plan and are relevant to the subject application, they will be referred to in this report.
- 6.9 The policies in the current adopted London Plan (2016) relevant to this application are:

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

London Plan Supplementary Planning Guidance (SPG)

- The London Plan SPG's relevant to this application are: [Housing](#) (March 2016)

Core Strategy (June 2011)

- 6.10 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

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

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 (November 2014)

- 6.11 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

The following policies are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development

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| 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 (2006, updated 2012)

6.12 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.

6.13 Forest Hill Conservation Area Appraisal July 2010

Manor Mount is within Character Area 3. Properties in this area were developed from 1840 onwards and are mainly detached or semi detached villas with symmetrical facades and Italianate details. Buildings tend to be set back from the road, built of yellow stock brick and often have white painted stuccoed ground floor frontages.

7.0 Planning Considerations

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

- Principle of Development
- Design and Conservation
- Impact on Adjoining Properties

Principle of Development

7.2 The revised National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

7.3 The principle of development on this site is supported by the Council; subject to the roof material being of the highest quality and its successful and sensitive relationship to the subject property, the wider street scene and Forest Hill Conservation Area.

Design and Conservation

7.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that (in summary) with respect to any buildings or other land in a conservation area, the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of that

conservation area. Chapter 16 of the NPPF states that (in summary) heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

- 7.5 Urban design is a key consideration in the planning process. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. The revised NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. London Plan and Core Strategy design policies further reinforce the principles of the revised NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30 and 31, seeks to apply these principles. The Council's Residential standards SPD provides officers with further detailed guidance to apply to such residential proposals.
- 7.5 The subject property lies within Character Area 3 of the Forest Hill Conservation Area Character Appraisal. The immediate area lies on two slopes, one facing north and the other facing southeast. The area is characterised by large detached and semi-detached villas; development began in the area in 1840 and the properties have consistent building line and spacing. The villas tend to be set back from the footpath and the chosen building material is yellow London stock brick, often with a white painted stuccoed ground floor. Tall sash windows, symmetrically arranged, can have white painted moulded plastered architraves. There are however a number of properties in the road which are considered good examples of Arts and Crafts and Victorian Gothic styles. Modern development as it exists has tended to have a detrimental effect on the conservation area.
- 7.6 With regards to roofs the Character Appraisal document states the following:
- 'Most of the historic buildings in the conservation area were originally roofed using Welsh slate, brought in by the railway. Occasionally, roofs are covered in hand or machine made clay tile. Attractive brick chimneys, often with contrasting string courses and other features such as original decorative chimney pots, add interest at high level. All of these features need to be protected and owners encouraged to use matching traditional materials when repairing their buildings.'
- 7.7 The Council's Residential standards SPD states that roofing materials should match those used in the original building. All roof alterations should be successfully integrated with and preserve the architectural character of the building. Preferred materials are natural or simulated slates.
- 7.8 Further to this, DM Policy 36 states that permission will not be granted where the alterations to an existing building is incompatible with the special characteristics of the area, its buildings, form and materials. DM Policy 31 requires alterations to be of a high, site specific and sensitive design quality that respects the form, setting, and architectural characteristics and detailing of the original building.
- 7.9 Officers were unable to make an assessment as to the condition of the original roof covering as no photographs or details were submitted regarding the condition

of the roof before the works took place. Nonetheless, Conservation and planning officers raise no objection to the retention of the existing roof covering. The choice of natural slate as the roof material is deemed appropriate for the host building and will preserve the character and appearance of the wider conservation area.

Impact on Adjoining Properties

- 7.10 It is stated in DM Policy 31 that residential extension/alterations adjacent to dwellings should result in no significant loss of privacy and amenity, (including sunlight and daylight) to adjoining houses and their back gardens.

The proposal is not considered to result in any significant harm to neighbouring amenity.

8.0 Local Finance Considerations

- 8.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), 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).

- 8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.

- 8.3 The Mayor of London's CIL is therefore a material consideration, though is not payable in regard to this application.

9.0 Equalities Considerations

- 9.1 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.

- 9.2 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.

- 9.3 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.

- 9.4 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: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 9.5 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
- 9.6 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: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 9.7 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.

10.0 Human Rights Implications

- 10.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:-
- Right to a fair trial
 - Respect for your private and family life, home and correspondence
- 10.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

- 10.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference convention rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.4 This application has the legitimate aim of providing a new roof covering at the subject property. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

11.0 CONCLUSION

- 11.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 11.2 Officers consider the retention of the existing roof covering to be acceptable.

12.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

(1) The development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:
2213/02, 2213/03, 2213/04, 2213/05

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

(1) **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 and further information was submitted.