

Committee	PLANNING COMMITTEE C	
Report Title	29 Inchmery Road, London, SE6.	
Ward	Catford South	
Contributors	John Grierson	
Class	PART 1	29 <sup>th</sup> November 2018

<u>Reg. Nos.</u>	DC/18/107533
<u>Application dated</u>	08.06.2018
<u>Applicant</u>	Design Squared Ltd.
<u>Proposal</u>	Installation of a white painted timber sash window to the front gable end at 29 Inchmery Road, SE6.
<u>Applicant's Plan Nos</u>	723 - MS - 100; 723 - MS - 102 Rev A (Received 02 July 2018); 723 - MS - 201 Rev A(Received 05 July 2018); 723-P-101; 723-P-102 Rev A; 723-P-201 Rev B; 723-P-601 Rev B; and 723 - P - 602 Rev B (Received 21 August 2018)
<u>Background Papers</u>	(1) Case File LE/704/29 (2) Local Development Framework Documents (3) The London Plan (4) The NPPF
<u>Designation</u>	Core Strategy - Existing Use
<u>Screening</u>	N/A

## **1.0 Summary**

- 1.1 This report sets out officer's recommendation in regard to the installation of a white painted timber sash window to the front gable end of the above property.
- 1.2 The report has been brought before members as permission is recommended to be approved subject to conditions and there is 1 or more objection from a recognised residents' association or community/amenity group within the area.

## **2.0 Property/Site Description**

- 2.1 The property is a two storey, semi-detached Victorian dwellinghouse, situated on the northern side of Inchmery Road. The property is located in Culverley Green Conservation Area and is subject to an Article 4 direction.
- 2.2 In relevance to this application, the Article 4 direction restricts the enlargement, improvement or other alteration of a dwellinghouse (being development

comprised within Class A Part 1 of Schedule 2 not being development comprised within any other class) where the development fronts or is clearly visible from a highway, waterway or open space.

- 2.3 Properties along Inchmery Road are predominantly residential, two-storey in form and semi-detached in type, the majority of dwelling houses retain two-storey bay windows and a front gable end. The design of the applicant's property is uniform with other properties on the street. The majority of properties on the street do not have a window in the front gable end, notwithstanding this, some examples of this modification do exist on Inchmery Road, and there are more of similar design style within the conservation area.

### **3.0 Planning History**

#### Application property

- 3.1 The applicant submitted an application (DC/16/097456) for *the construction of a dormer extension to the rear roof slope of 29 Inchmery Road SE6, together with the installation of roof lights in the roof slopes and fixed sash window to the front facing gable*. This was refused on 07 September 2016 because the roof extension and alterations to the roof slope were deemed harmful to the conservation area. However, the proposed gable end window was regarded as an acceptable alteration to the property in the officer's report. The Culverley Green Society were consulted on this application and no objection was received.
- 3.2 The applicant then submitted a revised application (DC/18/107356) which did not include a gable end window for *the construction of a dormer extension to the rear roof slope of 29 Inchmery Road SE6, together with the installation of roof lights in the side and rear roof slopes, replacement slate tile roof covering and the bricking up of a door in the side elevation and its replacement with a new window opening*. This application was deemed acceptable and granted permission on 20 July 2018.

#### Similar properties in Culverley Green Conservation Area

- 3.3 In recent years, 3 gable end windows have been granted planning permission on Inchmery Road at:
- No.77 (DC/18/105560; Granted 14<sup>th</sup> May 2018);
  - No.136 (DC/16/095872; Granted 1<sup>st</sup> June 2016); and
  - No.54 (DC/13/083822; Granted 26<sup>th</sup> July 2013).
- 3.4 There have also been several gable end windows granted permission across the wider conservation area, particularly on Culverley Road and some on Bargery Road. The houses on these roads are of the same period and design style as Inchmery Road, and fall under the same character area as stated in the Culverley Green Conservation Area Appraisal (2006).

### **4.0 Current Planning Applications**

#### The Proposals

- 4.1 The applicant proposes the installation of a white painted timber sash window in the existing front gable end at 29 Inchmery Road.

#### Supporting Documents

- 723 – MS – 100 – Site Location Plan;
- 723 – P – 101 – Proposed Plans;
- 723 - P – 102 Rev A – Proposed Site Plan;
- 723 – P – 201 Rev B – Proposed Elevation;
- 723 – P – 601 Rev B – Proposed Window Detail;
- 723 – P – 602 Rev B – Proposed Window Detail;
- 723 – MS – 102 Rev A – Existing Site Plan;
- 723 – MS – 201 Rev A – Existing Elevation;
- Design and Access Statement;
- Heritage Statement.

### **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 met those required by the Council's adopted Statement of Community Involvement.
- 5.2 Site notices were displayed and letters were sent to residents in the surrounding area, the Culverley Green Residents Association and the relevant ward Councillors.
- 5.3 The Culverley Green Residents Association objected to the principle of creating a new opening in the façade of the property.

### **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 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 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 paragraph 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). The Mayor published proposed modifications to the Draft Plan in August 2018. The document is at an early stage in the process and has some limited weight as a material consideration when determining planning applications. The policies in the current adopted London Plan (2016) relevant to this application are:

- Policy 7.8: Heritage assets and archaeology;

There are no policies in the draft London Plan of particular relevance to the subject application.

#### Core Strategy (June 2011)

6.9 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;
- Core Strategy Policy 16: Conservation areas, heritage assets and the historic environment;

Development Management Local Plan (November 2014)

6.10 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;
- 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)

6.11 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.

The Culverley Green Conservation Area Appraisal (2001)

6.12 This document sets out the history of the Conservation Area and explains its significance. It is an Edwardian suburb characterised by its grid-like street pattern and the similarity in the form, layout and style of the villas it contains. The significance of the conservation area lies in the cohesive identity of its development, the decorative quality of its buildings and the high standard of craftsmanship employed in their construction. The CAA identifies three character areas and notes the importance of the trees, green spaces and gardens that contribute to the visual character of the area.

## **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 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing that area.
- 7.3 The 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.
- 7.4 The application property is in residential use and it is considered that its alteration for the purposes of continued residential occupation is acceptable in principle, subject to matters of design, conservation and impact on neighbouring amenity. These matters are considered further below.

### Design and Conservation

- 7.5 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.
- 7.6 Paragraph 185 of the NPPF (2018) states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 7.7 Policy 7.8 'Heritage assets and archaeology' of the London Plan (2016) states in paragraph D that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.
- 7.8 Core Strategy Policy 16 'Conservation areas, heritage assets and the historic environment' of the Core Strategy (2011) states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, which include conservation areas, will continue to be monitored, reviewed, enhanced and conserved, according to the requirements of governance planning policy guidance, the London Plan policies, local policy and English Heritage best practice.
- 7.9 DM Policy 36 (B) of the Development Management Local Plan (2014) states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving or enhancing their character or appearance, will not grant planning permission where new development or alterations and extensions to existing buildings is incompatible

with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

- 7.10 Paragraph 6.7 of the '*Residential Standards*' SPD states that when considering applications they should be sensitively designed to retain the architectural integrity of the building. The '*Residential Standards*' SPD also emphasises that any replacement windows in houses covered by an Article 4 Direction and in conservation areas will be required to be compatible with the character of the Conservation Area in order to obtain planning permission.
- 7.11 The Culverley Green Conservation Area Character Appraisal states that Inchmery Road forms part of the Culverley, Penerley, Bargery and Inchmery Roads character area.
- 7.12 The Council's Conservation Officers were consulted on the initial design and an objection was raised to the size of the window. It was suggested that a smaller rectangular window would be better suited to the property. In keeping with the Conservation Officer's advice, the applicant since revised their plans proposing a small timber sliding sash window. Conservation Officers were re-consulted and confirmed that they were satisfied with the design.
- 7.13 Similarly, planning officers are in agreement with the Conservation Officers' conclusion that the proposal is of suitable scale, design and materials, and that the location of the window on the front façade is an appropriate alteration to provide the householder with more useable space, as supported by DM Policy 1.
- 7.14 The Culverley Green Residents Association have raised an objection to the proposal. Their objection refers to image 18a (below) in the Culverley Green Conservation Area Character Appraisal (2006). The image shows a pair of semi detached villas on Culverley Road (nos. 37 and 39) which are used to display the negative impacts of incremental change.



- 7.15 The caption of the image reads as follows:
- 7.16 *The impacts of incremental change. Villas on Culverley Road altered almost beyond recognition. Incremental changes such as the installation of UPVC windows, the replacement of slates with concrete tiles to the roof, the rendering and painting of the brick façade, the removal of the front wall to allow forecourt parking, and the introduction of a satellite dish and rooflights to the front roofslope, have seriously damaged the building's interest.*
- 7.17 Although no.39 does have a front gable end window, this is not mentioned as being one of the incremental changes that have had a negative impact on the pair of properties.
- 7.18 The proposed gable end window at 29 Inchmery Road is not comparable with the existing gable end window at no.39 Culverley Road as the proposed window it is a small and sympathetic timber framed window, the detailing and profile of which has been carefully considered and revised in line with policy and the Conservation Officer's recommendations. The window at No. 39 is a bulky uPVC window with a poor relationship to the façade of the property.
- 7.19 There are also other, good examples of this feature within the Conservation Area, with three recent approvals at no.77, no.136 and no.54 Inchmery Road for front gable timber sash windows similar to that proposed. Similar proposals have been approved at 63 Bargery Road (DC/15/092421 granted 2015) and 13 and 17A Bargery Road as well as 49 Culverley Road (Ref: DC/18/106370 granted May 2018). Gable end windows are an original feature of properties on Bromley Road and numerous other properties within the Conservation Area and it is therefore considered that the proposal would not appear out of character in the area.
- 7.20 The properties within the Culverley Green Conservation Area have a large roofspace which provides good potential to extend the living space available to occupiers. In converting this space, occupiers will seek to introduce natural daylighting in the form of either rooflights on the front gable roof slopes or a window within the apex of the gable end. Rooflights can be particularly harmful when installed onto gable roof slopes as they are the most visible part of the roof, where it projects outwards and draws the eye, particularly at night.
- 7.21 The Character Appraisal explains that the area is significant because of its architectural cohesiveness, and points out the how rooflights can be detrimental to this characteristic. Rooflights tend to be installed in an ad-hoc manner, across varying roof slopes and gables, making them appear ill-considered against a relatively orderly architectural pattern, for which the area derives some of its significance.
- 7.22 Officers consider gable end windows are more appropriate than rooflights as they can be installed in an orderly fashion in line with the existing architecture, and therefore would not cause harm. Furthermore, gable end windows are a typical



treatment to buildings with gables of this period and the Victorian period, and was a feature employed at the time of construction, whereas rooflights are clearly later.

- 7.23 The creation of a new window opening in the front elevation would result in the loss of historic brickwork. While the loss of historic fabric is regrettable, the property is not a listed building and therefore such loss is not objectionable.
- 7.24 It is therefore considered that the installation of a small timber sash window into the front gable end of the property would create a high quality internal space and would not cause material harm to the application property, streetscene or wider conservation area. In light of the above, Officers consider that the proposal would preserve the character of the host property and conservation area, in accordance with Core Strategy Policies 15 and 16 and DM Policies 1, 30, 31, 32 and 36.

#### Impact on Adjoining Properties

- 7.25 There would be no impact on neighbour amenity as the window will be located on the front elevation of the property and will not be overlooking any private spaces within neighbouring properties.

### **8.0 Local Finance Considerations**

- 8.1 The subject application is not CIL liable and therefore there are no Local Finance Considerations to consider.

### **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
- Peaceful enjoyment of one’s property

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 impacts are acceptable and that any potential interference with 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.

## 11.0 **CONCLUSION**

11.1 This application has been considered in the light of policies set out in the Development Plan and other material planning considerations.

11.2 The proposal would continue to preserve the appearance of the host building and the character of the Conservation Area. The proposal is consistent with the provisions of the Development Plan.

## 12.0 **RECOMMENDATION**

**GRANT 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:** The works for which conservation area consent is hereby granted must be begun not later than the expiration of three years beginning with the date of this consent in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As Amended).

2. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

723 - MS - 100; 723 - MS - 102 Rev A (Received 02 July 2018); 723 - MS - 201 Rev A(Received 05 July 2018); 723-P-101; 723-P-102 Rev A; 723-P-201 Rev B; 723-P-601 Rev B; and 723 - P - 602 Rev B (Received 21 August 2018).

**Reason:** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

3. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.

**Reason:** To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with Policy 36 of the Development Management Local Plan (2014).

### **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 which resulted in further information being submitted.