

Committee	PLANNING COMMITTEE C	
Report Title	90 Effingham Road, London, SE12	
Ward	Lee Green	
Contributors	Alfie Williams	
Class	PART 1	29 <sup>th</sup> November 2018

Reg. Nos. DC/18/107396

Application dated 30.05.2018

Applicant Mrs Johnston

Proposal Construction of 2 dormer windows with a mansard link in the rear roof slope at 90 Effingham Road SE12, together with the installation of 2 roof lights in the front roof slope and the replacement of the roof tiles with natural slate.

Plan Numbers 2080-18-PL001-001 Rev P4: 2080-18-PL001-002 Rev P4: DESIGN, ACCESS AND HERITAGE STATEMENT.

Background Papers

- (1) Case File LE/447/90
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) The London Plan (March 2016)
- (5) The NPPF

Designation Lee Manor Conservation Area  
Lee Manor Conservation Area Article 4 Direction  
Lee Neighbourhood Forum  
Flood Risk Zone 2  
PTAL 2

## **1.0 Summary**

1.1 This report sets out officer's recommendation in regard to the construction of 2.No dormer windows with a mansard link in the rear roof slope, together with the installation of 2 roof lights in the front roof slope and the replacement of the roof tiles with natural slate at the above property.

1.2 The report has been brought before members for a decision as officers recommend approval subject to conditions and there has been one or more objection from a recognised amenity group within their area.

## **2.0 Property/Site Description**

2.1 The application site is a two-storey, mid-terrace Victorian dwelling house situated on the northern side of Effingham Road. The surrounding area is predominantly residential and is characterised by similar Victorian terraces. The property is

constructed from yellow stock bricks with a tiled roof covering and has uPVC windows. The modern windows and roof covering detract slightly from the appearance of the property however; the property retains much of the ornate stucco detailing and remains an attractive building.

- 2.2 To the rear, the property has an original two-storey outrigger, which is characteristic of the terrace. The property also retains a canted bay window on the rear elevation of the outrigger. There is an intentional layout of properties in this perimeter block, with the rear gardens backing onto the rear gardens of the terraces behind. This prevents views of the rear of the property from the public realm.
- 2.3 The property is located in the Lee Manor Conservation Area and is subject to an Article 4 Direction, which restricts permitted development rights for development visible from a public place. The site is also within Flood Risk Zone 2.

### **3.0 Planning History**

- 3.1 There is no planning history at the application property. However, there are two applications of relevance recently granted planning permission on Effingham Road.
- 3.2 On 30<sup>th</sup> January 2017, planning permission was granted (reference DC/16/99357) at Planning Committee for the construction of a single-storey rear extension and dormer extensions to the rear roof slope at 56 Effingham Road SE12, together with the installation of roof lights in the front roof slope, replacement roof covering, remedial works to the chimney stack.
- 3.3 On 25<sup>th</sup> May 2018, planning permission was granted (reference DC/18/106369) for the construction of two dormer windows with a mansard link on the rear roof slope of 54 Effingham Road SE12 together with the installation of two rooflights on the front roof slope.
- 3.4 The roof extensions approved at No's 54 and 56 proposed two single dormer windows with lead cheeks connected by a slate mansard link. The extension approved at No.54 was set up from the eaves and set in from the party walls to a similar degree to the proposed roof extension at No.90.

### **4.0 Current Planning Applications**

#### The Proposals

- 4.1 The construction of a roof extension comprised of two dormer windows with a slate clad mansard link. Each dormer would have lead cheeks and would house a timber sliding sash window. Overall, the extension would measure 3.8m wide by 2.6m deep by 1.8m high. The dormers would individually measure 1.3m wide. The extension would be set up from the eaves by 1m, set in from both party walls by 0.5m and set down from the ridge by 0.2m. The mansard link would be set back by 0.3m.

4.2 The proposed development also includes the installation of two conservation style rooflights in the front roof slope and a replacement slate roof covering to the front and rear roof slopes.

## **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 A Site notice was displayed and letters were sent adjoining to residents in the surrounding area and the relevant ward councillors. The Lee Manor Society were also consulted.

### Written Responses received from Local Residents and Organisations

5.3 The council received one representation relating to the application from the Lee Manor Society. The Lee Manor Society objected to the proposed development due to concerns regarding the design of the extension. The Society consider that the mansard link between the dormers is insufficiently set back and contrary to guidance within the Alternations and Extensions SPD relating to the design of dormers with a mansard link.

## **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 revised 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 revised 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 Stanards 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) and minor modifications before the EIP were published on 13 August. As such, this document now has some limited weight as a material consideration when determining planning applications. The relevant draft policies are listed below and discussed within the report. These are limited to policies that are materially different to existing London Plan policies. The policies in the current adopted London Plan (2016) relevant to this application are:

- 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;

The relevant emerging policies of the draft London Plan are:

HC1 Heritage conservation and growth

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 5; Areas of Stability and Managed Change;
- Core Strategy Policy 15; High quality design for Lewisham
- Core Strategy Policy 16; Conservation areas, heritage assets and the historic environment

### Development Management 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:

6.12 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)

6.13 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.

### 6.14 Alterations and Extensions SPD

*The 'Extensions and Alterations' SPD is an emerging document that has not been officially adopted. The public consultation for the document ended in September 2018. As such, this document now has limited weight as a material consideration when determining planning applications.*

## **7.0 Planning Considerations**

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

- Design/Conservation
- Impact on Adjoining Properties

### Design/Conservation

7.2 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.

7.3 Chapter 16 of the revised NPPF relates to conserving and enhancing the historic environment. The principles and policies set out in Chapter 16 apply to the heritage-related consent regimes for which local planning authorities are

responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making, decision-taking and design.

- 7.4 DM Policy 36 requires all extensions to be compatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 7.5 Paragraph 6.7 of the '*Residential Standards*' SPD states that when considering applications for roof extensions they should be sensitively designed to retain the architectural integrity of the building. The '*Residential Standards*' SPD also establishes a number of guidelines including that rear roof extensions should be set back a minimum of one metre behind the lines of eaves and a minimum of 500mm from the gable, flank or party wall boundary.
- 7.6 The proposed roof extension would sit comfortably within the roof slope by virtue of being sufficiently set in from the party walls, set up from the eaves and set down from the ridge, in accordance with the guidelines established by the '*Residential Standards*' SPD, and would therefore achieve a sufficient level of proportional subservience to the host property.
- 7.7 DM Policy 30 states that materials used should be high quality and either match or complement existing development. The extension would feature lead dormers, timber sash windows and a slate mansard, which are historically appropriate materials for a Victorian property. Officers note the concerns regarding the set back of the mansard link. However, officers considered that the 0.3m set back and angle of the link would provide visual separation between the dormers when viewed from the rear.
- 7.8 Effingham Road features a number of examples of similarly designed and proportioned roof extensions, which are considered to establish a character for roof alterations on the road. The proposed roof extension is almost identical to the extension approved at 54 Effingham Road in May 2018.
- 7.9 It is recognised that the emerging '*Extensions and Alterations*' SPD highlights an example with a link set back further than the proposal. However, the '*Extensions and Alterations*' SPD is an emerging document that has not been officially adopted. The '*Extensions and Alterations*' SPD serves as a good indication of the direction of travel with regard to roof extensions. However, Effingham Road has an established design character for roof extensions and it is considered that the proposed extension would preserve this character in accordance with DM Policy 36.
- 7.10 The '*Residential Standards*' SPD guidance on rooflights states that rooflights should be fitted flush with the slate or tiles of the roof. The proposed rooflights would be conservation style rooflights fitted in accordance with this guidance. The two front rooflights are appropriately located above the front bay. They are not quite in the middle third of the roof slope but their location is based on internal functionality and they do not appear uncomfortably situated. Rooflights are an established part of the character of the surrounding roofscape and within that context are not considered to cause harm to the appearance of the Lee Manor Conservation Area.

- 7.11 The proposal to replace the roof covering with natural slate would restore the original roofing material to the property and as such is considered to be an enhancement to the appearance of the property.
- 7.12 The proposed development is considered to accord with the principles of DM Policy 36 by virtue of the combination of historically appropriate materials and proportionate scale and as such is considered to preserve the special character of the Lee Manor Conservation Area.

#### Impact on Adjoining Properties

- 7.13 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 7.14 The proposed dormers would be unlikely to result in additional overlooking to surrounding properties given that there is existing overlooking from the windows on lower floors. Outlook from the rooflights would be to the sky not into surrounding properties and as such is not objectionable. Therefore, it is considered that the proposal would not result in a perceptible loss of privacy to neighbouring properties.
- 7.15 The extension is not considered to overshadow or cause the loss of sunlight to adjoining properties given its size and siting within the rear roofslope. Overall, the impact on the amenity of neighbouring properties is considered acceptable, and compliant with DM Policy 31.

### **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. CIL is not payable on this application and the applicant has completed the relevant form.

### **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 amenity 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 considerations.
- 11.2 Officers consider that and the scheme would have an acceptable impact on the roofscape, preserving the special character of the Lee Manor Conservation Area in accordance with DM Policies 30 and 36. In addition, the proposal would not be detrimental to residential amenity in accordance with DM Policy 31 and therefore the scheme is considered acceptable.

## **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:

2080-18-PL001-001 Rev P4; 2080-18-PL001-002 Rev P4;

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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.