

Committee	PLANNING COMMITTEE (C)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 14 March 2019

MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 24th January 2019.

LONDON BOROUGH OF LEWISHAM

MINUTES of the PLANNING COMMITTEE C meeting held in Council Chambers, Civic Suite, CATFORD SE6 on 24th January 2019

Present

Councillors: Olurotimi Ogunbadewa (Chair); Stephen Penfold (Vice-Chair); Bill Brown; Leo Gibbons, Louise Krupski, Jim Mallory, Hilary Moore, Sakina Sheikh, Alan Smith, Sophie McGeevor (Under Standing Orders).

Councillor McGeevor did not sign the attendance record but was present.

Apologies: Councillor Aisling Gallagher

Officers: Suzanne White (Development Management Team Leader); Paula Young (Senior Legal Advisor); John Grierson (Committee Co-ordinator); Joanna Ecclestone (Senior Conservation Officer).

Late: -

1. DECLARATION OF INTERESTS

- 1.1. Councillor Penfold referenced previous comments he had made regarding item 5 on the agenda and concerns of bias that have been raised. Councillor Penfold declared that he would not be participating in the discussion on item 5 of the agenda to remove any doubt of bias.

2. MINUTES

2.1. The meeting Commenced at 19:40

2.2. The Minutes of the Planning Committee (C) meeting held on 29 November 2018 were approved.

2.3. The chair revised the remaining order due to the number of people who attended the meeting for 18 Bolden Street and at the objector's request for 7 Allenby Road. This was as follows:

1. Item 5 - 18 BOLDEN STREET, LONDON, SE8 4JF;

2. Item 4 - 7 ALLENBY ROAD, LONDON, SE23 2RQ;
3. Item 3 - 50-52 RUSHEY GREEN, LONDON, SE6 4JD;
4. Item 6 - 90 EFFINGHAM ROAD, LONDON, SE12 8NU.

3. 18 BOLDEN STREET, LONDON, SE8 4JF: *'The construction of a mansard roof extension at 18 Bolden Street, SE8.'*

3.1. Suzanne White outlined the details of the application to members, and discussed the proposed designs, the planning history, and explained the planning considerations for the application. She discussed the objections and letters of support received, and outlined the reasons for officers recommending refusal. She advised that the area is one of particular architectural unity, which adds to its character and significance, noting that the constant parapet line is the defining feature at roof level seen from the street. She also noted that the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of its conservation areas, which is a legislative requirement, in addition to applying planning policies. She advised that the proposed mansard was considered harmful to the Conservation Area and, where harm is identified, Paragraph 196 of the NPPF requires that 'harm should be weighed against the public benefits of the proposal'. She added that officers do not consider the provision of additional living accommodation to constitute a public benefit sufficient to justify the harmful impacts of the proposed development, and that the previous approvals for extensions to the rear and basement of the property struck the appropriate balance between preserving the Conservation Area and enabling residents to alter their homes. In reference to the mansard extensions on Albyn Road and Lind Street, she stated that these demonstrate the harm of mansard extensions in this area and noted that Bolden Street was well preserved. She also noted a recent appeal decision for a mansard at 13 Bolden Street, which the Inspector dismissed as being detrimental to the character and appearance of the appeal property, and would failing to preserve or enhance the character and appearance of the Brookmill Road Conservation Area. She also referred members to the addendum report produced in response to further representations received from the Brockley Society.

3.2. Councillor Smith queried where one of the long section drawings through the building was taken.

3.3. Suzanne White advised this was not marked on the plans but judged its location to be through the hallway.

3.4. Councillor Ogunbadewa called the applicant to the table to speak.

3.5. The applicant Jeoff Neate handed print outs to the members; he referenced the document in his speech. He stated that this proposal will affect all the residents of the street and that in ** years 50% of the street might have mansards. He stated that there have been 23 mansards previously approved in recent years and questioned what had changed, stating that written policy has not changed since the last mansard was approved in the conservation area. He cited local precedents on neighbouring Albyn Road, referenced the housing shortage and need for residents to extend their homes. He also stated that Bolden Street is one of the least well preserved in the conservation area.

3.6. Councillor Sheikh asked the applicant about the set back of the mansard roof.

3.7. The applicant responded stating they want cohesion so the mansard will be of similar design to others existing in other streets.

3.8. Councillor Ogunbadewa dismissed the applicant and invited any objectors to the table.

3.9. Robin Cross came to the table and introduced himself as an architect and former Lewisham Councillor and member of a planning committee. He stated that the applicant had not provided any images showing how the mansard would relate to the rest of the street. He presented drawings showing the impact of the mansard and his own existing and proposed street elevations. He stated the mansard would be an incongruous projection which is contrary to planning regulations as the unity of the street's roofscape would be ruined. He stated that he understood the desire for the applicant to improve their home, but felt that this application would destroy a key feature of the conservation area.

3.10. Councillor Ogunbadewa summoned Councillor McGeevor to the table.

3.11. Councillor McGeevor spoke under standing orders, stating that she strongly agreed with the applicant, despite being in favour of conservation in principle. She stated that an argument can't be made for the street in isolation and that the consideration would be for the wider context of the conservation area in which there is precedent. She said that she understands the resident's frustration and can see why they think it is unfair. She stated that alterations have been made to the guidance in the Draft Alterations and Extensions SPD to include the wider area when considering mansard roofs in conservation areas. She also stated that in regard to preserving the existing roofs, substantial change has already happened and the application should therefore be approved.

3.12. Councillor Ogunbadewa asked if there were any questions.

3.13. Suzanne White responded to the comments made by those speaking for and against, stating that the Draft Alterations and Extensions SPD has not been used to assess this application or the appeal for 13 Bolden Street. She stated that there are a variety of 2 – 4 bed homes within the immediate conservation area so there is housing choice available without having to extend with a mansard roof. She also stated that mansards are not a bad thing in the correct location, but that the application property is an inappropriate location for a mansard roof. She further stated that the photos presented show that Bolden Street has only been the subject of very minor alterations and is well preserved. She then invited Joanna Ecclestone to speak.

3.14. Joanna Ecclestone showed on a map of the wider conservation area that the mansards were concentrated in the south of the conservation area and that the north of the conservation area did not have any mansards, concluding that overall the conservation area was well preserved. She stated that there has been a significant change along Albyn Road because of the mansards which have been previously approved and that in the case of that particular street, further mansards may contribute to restoring uniformity, and would be considered differently to mansard applications on Bolden street, where adding a mansard would reduce the uniformity.

3.15. Councillor Mallory questioned why mansards were initially approved on Albyn Road.

3.16. Suzanne White advised that the first mansard on Albyn Road was approved at committee in 2009.

3.17. Councillor Mallory stated that the inconsistency of decisions made things difficult for members.

3.18. Suzanne White advised that the previous approvals were regrettable.

3.19. Councillor Krupski asked if there was any difference in the form of the roofs on Albyn Road in comparison to Bolden Street.

3.20. Joanna Ecclestone advised that for the most part, Albyn Road is on level ground.

3.21. Councillor Smith advised that he was the chair of the committee which approved the first mansard roof on Albyn Road and had the casting vote. He cited that the reason was to avoid losing families from the area due to the restrictions in terms of space. He cited his opinions on conservation and how he feels that conservation should not take priority over residents improving their homes. He shared his opinions on butterfly roofs, stating they are of bad design, and that conserving them would preserve bad design. He stated that he felt the approach to precedent in this scenario was inappropriate and that he would feel comfortable with all the properties in the conservation area having mansard roofs.

3.22. Councillor Mallory questioned whether the portion of Albyn Road which is not on level ground also has mansard roofs. Suzanne White confirmed that this portion does have some mansard roofs.

3.23. Councillor Gibbons stated that Bolden Street is not unique and that there are many other streets in the conservation area without mansard roofs. He suggested the idea that half of the conservation area should be allowed mansard roofs and the other half should not. He stated he felt he would accept the proposal and wanted further comments from the conservation officer.

3.24. Joanna Ecclestone argued that dividing the conservation area in this way would cause such harm to the character of one half of the conservation area, that questions would be raised as to whether or not it should remain in the conservation area. She stated that the butterfly roof with parapet as an architectural typology is important to this conservation area, and that just because there have been previous precedents which have harmed it this does not mean other harmful proposals are now acceptable. She also stated that due to the number of mansard roofs in Albyn Street, the further addition of mansards on this street would help reintroduce uniformity for that street.

3.25. Councillor Gibbons asked how unique the conservation area is.

3.26. Joanna Ecclestone stated that there is one other conservation area of similar typology in Lewisham and that the fact that there's another shouldn't be seen as a reason to allow harm to this one as the statutory duty to preserve or enhance them relates to both individually. ..

3.27. *Councillor Smith reiterated his previous comments about the residents' desire to extend their home taking priority over conservation, and proposed a motion to reject the officer's recommendation for the following reasons:*

- a. There is a precedent set;*
- b. It would not cause harm;*
- c. Refusal would restrict the rights of the homeowners to extend their property, which outweighs the conservation considerations;*

3.28. Councillor Krupski stated that people are aware of the restrictions imposed when buying a conservation area property and that many people buy their homes in conservation areas for that very reason. She also stated there is a need for houses of all sizes, not just large ones.

3.29. Councillor Mallory stated that the reason he felt the scheme was approvable was not because of the residents desire to expand their homes, but because a precedent has been set.

3.30. Councillor Moore argued that what is the reasoning behind setting up a conservation area in the first place if any considerations of harm are just going to be ignored. She also stated that the construction quality of the existing butterfly roof should not be a material planning consideration.

3.31. Councillor Gibbons argued that as the precedent has been set, the debate should be geared towards the conformity of the proposed roof with existing precedents, and enquired about any guidelines for the design of the roof to be uniform with the other precedents.

3.32. Councillor Sheikh asked why permission, which has now lapsed, was granted for no.6 Bolden Street and Suzanne White responded stating this was approved under delegated powers, stating that in her opinion it was an error. Councillor Sheikh advised that this put her in a difficult position. Suzanne White advised that the policy context had changed since this delegated decision, including the adoption of the Development Management Local Plan in 2014.

3.33. Councillor Mallory questioned whether or not the precedent should be extended to Bolden Street, and also considered moving for a deferral to allow more information to be obtained regarding how the mansard proposed would relate to existing precedents.

3.34. Councillor Krupski stated that clear guidelines need to be set for the street with existing mansards to allow for uniformity in future proposals. Suzanne White stated that there was no set technical guidance for this and that each application is assessed on a case by case basis.

3.35. Councillor Gibbons enquired as to whether Suzanne White thought the same application would be approved if it was on Albyn Road. Suzanne White said she could not make that assessment without looking at the previously approved plans on Albyn Road in more detail.

3.36. Councillor Smith asked if deferral was an option to look at other plans for existing precedents on Albyn Road to help make a decision. Suzanne White advised that the risk would be that applicant would appeal for non-determination, but as this would take 4-6 months, the applicant would likely engage in negotiation and the case would return to committee.

3.37. *Councillor Mallory proposed a deferral to allow further information to be obtained to establish whether or not the proposal would be in keeping with the established precedent.*

3.38. Councillor Sheikh questioned whether or not the design of the mansard is something that could be conditioned.

3.39. Paula Young advised that this was not possible.

3.40. Councillor Sheikh asked if the dimensions were the same as other traditional mansards.

3.41. Joanna Ecclestone showed the section on the screen and stated that this proposal was of a three plane roof form as opposed to a more traditional four plane roof form. A member of the audience interrupted stating this was untrue. They were silenced by Councillor

Ogunbadewa. Joanna Ecclestone proceeded to state that she was describing what was shown on the drawing on the screen.

3.38. Councillor Sheikh suggested that this proposal could set the precedent for future mansards on Bolden Street.

3.39. Councillor Krupski stated that the precedent set is not strong enough to approve the design. Councillor Smith argued this point and stated that the precedent set on Albyn Road was strong enough to approve this application.

3.40. Councillor Brown moved to second Councillor Smith's motion to reject the officer's recommendation and approve the scheme. The councillors voted as followed:

For: Councillor Smith; Councillor Sheikh; Councillor Gibbons; and Councillor Brown.

Against: Councillor Moore; and Councillor Krupski.

Abstained: Councillor Mallory; Councillor Ogunbadewa.

4. 7 ALLENBY ROAD, LONDON, SE23 2RQ; “The demolition of the existing side extension and construction of two single storey side extensions, internal modifications and external works at 7 Allenby Road, SE23.”

4.1. Suzanne White outlined the details of the application to members, and discussed the proposed designs, showing drawings, photographs and CGIs, and explained the planning considerations for the application. She discussed the objections, and outlined the reasons for officers recommending approval, noting that officer's considered the proposal to be of high quality design which responds sensitively to the particular characteristics of the site. She concluded that it would result in no harm to the existing building or conservation area. She also referred members to the addendum report produced in response to further representations received from the Sydenham Society.

4.2. Councillor Smith asked if there had previously been a different extension to the existing conservatory due to markings on the side of the building.

4.3. The applicant advised from the audience that there was previously a different conservatory there.

4.4. The agent representing the applicant, Miles Griffies, was called to the table. Mr Griffies described the characteristics of Perryfields Conservation Area, citing one of which as being the green landscaped front gardens. He stated that the extension would replace an existing conservatory and would be softened by the green landscaping which would be retained. He stated the dimensions and setback and described the proposed materials, with the flat green roofs, curved design and London stock brick. He stated that the contemporary design and materials work better than a pastiche Victorian design. He argued that the setback was sufficient and that there are other examples of side extensions in the conservation area. He closed by stating that this would allow the applicant to extend their home which they felt was much needed.

4.5. Councillor Smith asked for clarification regarding the green roof materials and this was provided by the agent.

4.6. Councillor Ogunbadewa dismissed the applicant and called the objector, Margaret Leslie, to the table.

4.7. Margaret Leslie stated that she has lived on Allenby Road since 1980 and stated that the proposal does not meet the terms of the Article 4 Direction in place at Perryfields, arguing that the direction requires a greater weight of design consideration than the proposed London Stock Brick facade. She stated that the weight of the information provided by the applicant is insufficient and that there is therefore a lack of sufficient information to make a legal decision. She referenced the front elevation being presented as a boundary wall and stated that boundary walls cannot be higher than 2m, despite this being over 3m. She said that the roof should be pitched and not flat. She expressed her disagreement with the committee report, particularly to the officer's comments on the proposal enhancing the conservation area and that the design is high quality. She finished by stating that good architecture would not have to be hidden away behind planting.

4.8. Councillor Sheikh asked the objector why she initially withdrew her objection and Margaret Leslie replied stating that she did not think her first objection submitted took the best approach.

4.9. Councillor Penfold wanted the presenting officer to address the points raised by the objector about the proposal breaking planning regulations.

4.10. Suzanne White clarified the nature of the Article 4 Direction being a tool to restrict or remove permitted development rights and that it does not prevent a planning application being submitted and assessed on its own individual merits. She clarified the height of the extension.

4.11. Councillor Gibbons asked if the planting is retained by condition. Suzanne White responded stating that there is no separate condition for this but stated that the planting would be retained as shown in the plans, and a condition is recommended requiring that the development is carried out in accordance with those plans. She then clarified the 3 conditions proposed.

4.12. Councillor Sheikh stated that planning officers were operating legally and wanted clarification from Suzanne White to the objector's comments about being unable to make a legal decision.

4.13. Suzanne White confirmed that officers were operating legally and advised that with regard to the 2.0m boundary treatment, this refers to permitted development rights, and this right has been removed from the properties in the conservation area anyway. She advised that there is no limit to what can be submitted as a planning application and that it must be assessed against the policies of the Development Plan.

4.14. *Councillor Gibbons stated that he felt the proposal would enhance the conservation area and proposed a motion to accept the officer's recommendation and approve the scheme.*

4.15. *Councillor Smith seconded this. The members voted as follows:*

For: All Councillors voted to accept the officer's recommendation and the application was approved.

Councillor Ogunbadewa (Chair), Councillor Penfold (Vice-chair), Councillor Gibbons, Councillor Krupski, Councillor Mallory, Councillor Moore, Councillor

Sheikh, Councillor Smith.

50-52 RUSHEY GREEN, LONDON, SE6 4JD; *“The display of 3 x internally illuminated and 2 x non-illuminated canopy fascia signs, 1 x above fascia level internally illuminated sign & 1 viney glazing sign on Bradgate Road elevation and 2 x internally illuminated and 1 x non-illuminated canopy fascia signs on Rushey Green elevation at Aldi Store 50-52 Rushey Green SE6.”*

5.1. Suzanne White outlined the details of the application to members, and discussed the proposed designs, showing drawings, photographs, and explained the planning considerations for the application. She discussed the objections, and outlined the reasons for officers recommending approval. She also advised that she can't confirm why this case was not determined at an earlier date due to it being submitted in 2014.

5.2. Paula Young advised that advertisement consent lasts for 5 years and the key considerations are public safety and amenity impact.

5.3. Councillor Penfold asked if submitting an advertisement application retrospectively is discouraged. Paula Young advised that it is not encouraged but is acceptable practice to do so.

5.4. Councillor Ogunbadewa asked if the applicant was present. The applicant was not present.

5.5. Councillor Ogunbadewa called the objector, Renata Allamandi, to the table. She advised that she lives directly opposite the signage. She stated that it has a detrimental impact on her property to the extent that she cannot open the curtains at night because it is too bright and that this is a direct consequence of the signage. She discussed other issues she had with the Aldi store in general such as access, anti-social behaviour and advised that she does not want members to encourage Aldi to further promote themselves.

5.6. Councillor Ogunbadewa queried whether Aldi have breached planning control.

5.7. Councillor Smith queried whether the light was coming from the signs or the nearby streetlights.

5.8. Councillor Krupski showed images she had taken of the signage to members and they all agreed that the lights seemed excessively bright.

5.9. Councillor Mallory posed the idea making Aldi commit to reducing the brightness.

5.10. Councillor Penfold queried whether or not the previous signs were lit.

5.11. Suzanne White responded to the comments made by members, discussing the previous planning history stating that signs were previously lit, and that at present there was not breach of control, but once approved, the level of luminance was proposed to be conditioned to be 2 lux at the nearest residential window.

5.11. Councillor Mallory questioned the member's confidence in that condition providing an adequate resolution to the issue with brightness.

5.12. Suzanne White advised that on approval of the application, the condition could be enforced if the levels of brightness did not meet the 2 lux that is conditioned.

5.11. Councillor Sheikh posed the idea of conditioning the times at which the signs are allowed to be lit and Suzanne White advised that this would be possible.

5.12. Councillor Sheikh questioned whether, if after approval the 2 lux was not acceptable, it could be reduced further. Suzanne White said that once approved it could not be changed, but added that 2 lux is very low.

5.13. Councillor Penfold read the definition of a lux from the internet and members were satisfied that the levels of brightness currently being displayed were almost certainly in excess of 2 lux.

5.14 Councillor Mallory proposed that the application be conditioned to turn off the sign at 10pm.

5.15. Councillor Brown proposed a motion to accept the officer's recommendation subject to the conditions proposed by the officer, with the additional condition that the advertisement lights are only turned on between the hours of 8am and 10pm.

5.16. Councillor Krupski wished that her distaste for the applicant's attitude towards the application, in light of the fact that they did not attend the committee, to be noted on record.

5.17. Councillor Sheikh suggested that the condition proposed be amended to reflect the opening hours of the store. One of the members advised of the opening hours by looking on the Aldi website.

5.18. Paula Young advised that the condition should not link to the opening hours as these may be subject to change, but that it should state the current opening hours explicitly.

5.19. The proposed condition was revised by members to state that the sign could only be lit between the hours of 8am to 10pm Monday to Saturday and 11am to 5pm Sunday.

5.20. Councillor Sheikh advised that she wished for enforcement action to be taken should Aldi not reduce the luminance levels of the sign following a decision being issued.

5.21. Councillor Smith advised that there is an app available to check luminance levels from a smart phone.

5.22. Councillor Mallory moved to second the motion to accept the officer recommendation subject to the additional condition that the sign could only be lit between the hours of 8am to 10pm Monday to Saturday and 11am to 5pm Sunday.

The members voted as follows:

For: All Councillors voted to accept the officer's recommendation subject to the additional condition regarding operating hours and the application was approved.

Councillor Ogunbadewa (Chair), Councillor Penfold (Vice-chair), Councillor Gibbons, Councillor Krupski, Councillor Mallory, Councillor Moore, Councillor Sheikh, Councillor Smith.

90 EFFINGHAM ROAD, LONDON, SE12 8NU; *“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.”*

6.1. Suzanne White outlined the details of the application to members, reminding them that this case was previously deferred due to concerns about the setback of the mansard link between the dormer windows. She also made members aware of the further representations received from the Lee Manor Society who objected to the revised proposal and the addendum report produced in response to this.

6.2. The applicant was invited to speak but he decided not to.

6.3. No objectors were present to speak.

6.3. Councillor Mallory wished to express his understanding and sympathies for the Lee Manor Society's objection.

6.4. Councillor Smith moved to accept the officer's recommendation and approve the application.

6.5. Councillor Gibbons seconded.

The members voted as follows:

For: All Councillors voted to accept the officer's recommendation subject to the additional condition regarding operating hours and the application was approved.

Councillor Ogunbadewa (Chair), Councillor Penfold (Vice-chair), Councillor Gibbons, Councillor Krupski, Councillor Mallory, Councillor Moore, Councillor Sheikh, Councillor Smith.

The meeting concluded at 21.55pm.