

Committee	PLANNING COMMITTEE C	
Report Title	30 VICARS HILL, LONDON, SE13 7JL	
Ward	Ladywell	
Contributors	Alfie Williams	
Class	PART 1	01 AUGUST 2019

<u>Reg. Nos.</u>	DC/19/111930
<u>Application dated</u>	16.04.19 revised on 02.07.19
<u>Applicant</u>	Matthew Farrar and Lauren Lamont
<u>Proposal</u>	The construction of a hipped roof extension to the flat roof of 30 Vicars Hill, SE13, together with the construction of two dormers to the rear roof slope, the installation of two rooflights, the resizing of one rear window at first floor, the painting of the pebble dash and the installation of replacement timber windows in the rear elevation.
<u>Background Papers</u>	(1) The London Plan (2) Core Strategy (3) Development Management Local Plan
<u>Designation</u>	Brockley Conservation Area
<u>Screening</u>	N/A

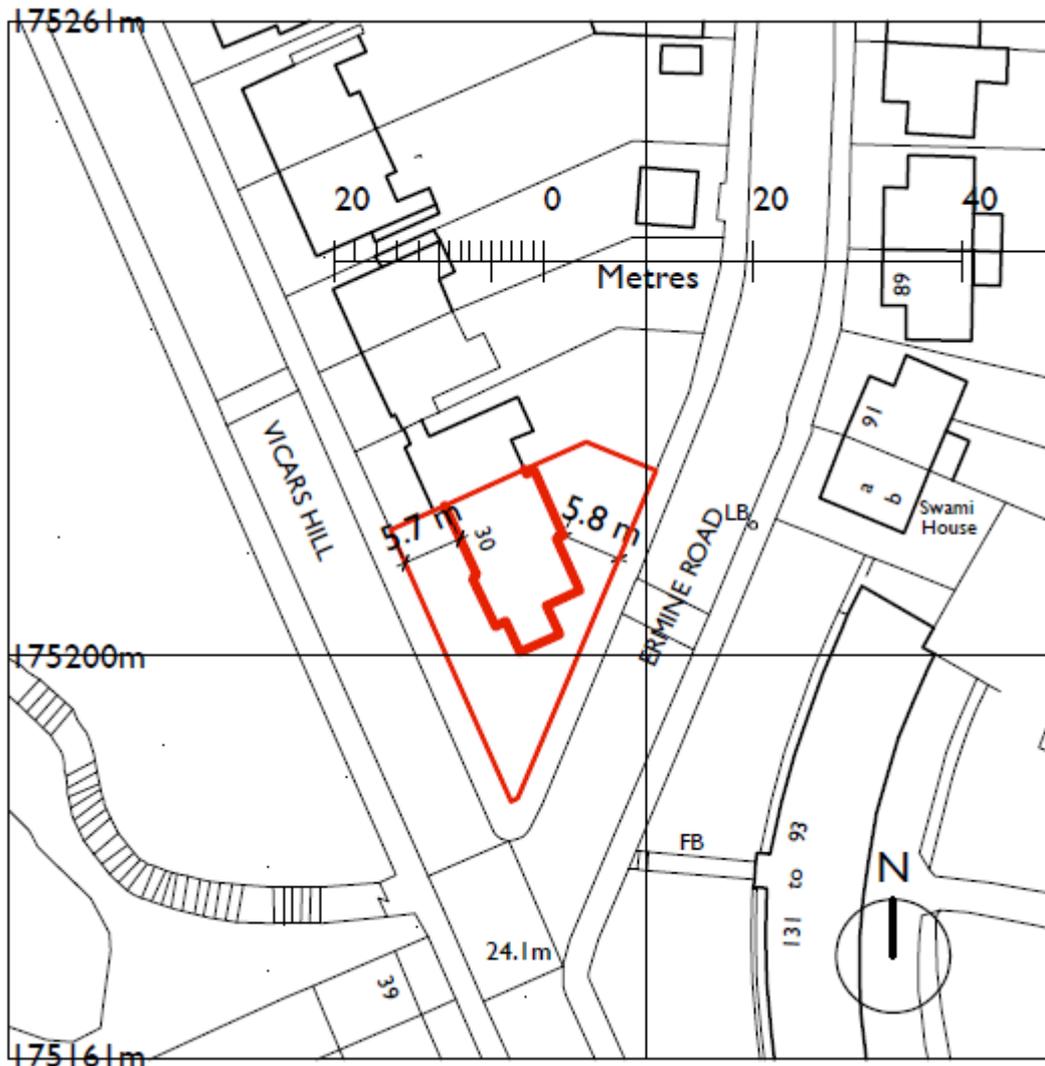
1 SUMMARY

- 1 This report sets out Officer's recommendation for the above proposal. The report has been brought before members for a decision as the recommendation is to APPROVE and there is a valid planning objection from an amenity group

2 SITE AND CONTEXT

2.1 SITE DESCRIPTION AND CURRENT USE

- 2 The site is located on the east side of Vicars Hill, north of its junction with Ermine Road. It is a two storey (plus lower ground floor at rear) semi-detached Victorian house.
- 3 The property is converted into flats. The application relates to the first floor flat.



Site location plan: not to scale

2.2 CHARACTER OF AREA

- 4 The area is residential in character, however the age and design of properties varies. This property is characteristic of others immediately to the north, which are likely to have been developed at the same time, however each property varies from its neighbours.
- 5 Hilly Fields Park is opposite.

2.3 HERITAGE/ARCHAEOLOGY

- 6 The site is within the Brockley Conservation Area. The property is not and nor is it close to any listed buildings.

3 RELEVANT PLANNING HISTORY

- 7 Planning permission was granted in March 2013 for a two storey side extension (LPA ref DC/13/08048). The works have been completed.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

8 The main change is to the roof to the front, adding a hipped roof to the existing flat roof. At the rear two dormer windows are proposed. Two rooflights would be added to the flat part of the main roof. A window on the first floor rear elevation would be resized and replaced in timber.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

9 Site notices were displayed on 29 May 2019 and a press notice was published on 29 May 2019.

10 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 23 May 2019.

11 One response was received, comprising one objections, from the Brockley Society.

5.1.1 Objections

Material planning consideration	Para where addressed
Harm to character and appearance of property and Conservation Area, due to the front roof extension.	See paras 27 to 32 34

5.2 INTERNAL CONSULTATION

12 The following internal consultees were notified on 23 May 2019.

13 Conservation: raised no objections but minor alterations to the rear dormers and windows were requested in addition to the removal of a rooflight in the front roofslope. The proposed development has been revised to reflect their comments.

6 POLICY CONTEXT

6.1 LEGISLATION

14 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

15 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

6.2 MATERIAL CONSIDERATIONS

- 16 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.
- 17 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.
- 18 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

6.4 DEVELOPMENT PLAN

19 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Draft London Plan (expect 2019): The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public commenced on 15 January 2019 and concluded on 22 May 2019. This document now has some limited weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

20 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Brockley Conservation Area Supplementary Planning Document (December 2005)

7 PLANNING CONSIDERATIONS

21 The main issues are:

- Principle of Development
- Urban Design and Impact on Heritage Assets

- Impact on Adjoining Properties

7.1 PRINCIPLE OF DEVELOPMENT

General policy

- 22 The Development Plan is generally supportive of people extending or altering their homes. The principle of development is supported, subject to details.

7.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS

Policy

- 23 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 24 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.
- 25 CSP 15 and 16, DMLP 30, 31 and 36 and the provisions of the Alterations and Extensions and Brockley Conservation Area SPDs are relevant.
- 26 The NPPG highlights the necessity of attention to detail for achieving high quality design.

Discussion

- 27 The Brockley Society has raised concerns about the front roof extension. Specifically they have commented that the resulting roof would be bulky and top heavy, with an overly flat roof frontage. They have drawn attention to the prominence of the site and the resulting impact on the local streetscape.
- 28 The application site includes all of the land around No. 30 (see site location plan above, at para 3) which is a prominent site; however, the works are limited to the northern part of the building. This part is not prominent, with foliage screening it from all but close views from the south. Without foliage, views up the hill to the front extension would remain limited to long views at an acute angle. Officers conclude this is not an especially prominent part. The gable end of the existing roof, however, is highly prominent, and it is proposed that this be repainted.
- 29 Policy DMP31(2)(b) resists roof extensions to the street frontage in favour of rear extensions. In this case the roof extension would be sympathetic to the design of the original house, with roof pitches that match the existing. There would be a flat roof frontage as a consequence, but this would be less obvious than the existing flat roof and would be part of a crown roof. DMP31(2)(b) notwithstanding, DMP31(1) supports roof extensions which are of high, site specific, and sensitive design quality. The front extension would, in Officers' opinion, achieve that.
- 30 The house itself is not of special significance as a heritage asset and its value is its part of a group of properties stretching along the east side of Vicars Hill northwards, built in 1910. These have similar characteristics in the Arts and Crafts style but are not uniform. Instead, they share defining characteristics rather than identical forms, with clay tile

roofs, sash windows, pebbledash and terracotta detailing which contrasted with the red brick. Some (Nos. 48 and 52) appear to have original crown roofs. Others have been altered in an unsympathetic manner (Nos. 34 and 36).

31 The other elements of the proposal are acceptable: the two dormer windows are suitably sized, well proportioned and well positioned on the rear roof slope. The changes to the windows would see two existing uPVC frames replaced with timber. One of the windows would be reduced in size by a small degree. The painting of the pebble-dash would be acceptable, subject to a condition on the colour.

32 Officers consider that the current proposal would lead to no harm to the Brockley Conservation Area. As such, it is not necessary to consider wider public benefits of the proposal.

Summary

33 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve or enhance the character or appearance of Brockley Conservation Area. A condition is recommended to secure details of the roof tiles and in particular the hip tiles and the eaves, fascia, soffit and guttering, due to the location of the extension.

7.3 LIVING CONDITIONS OF NEIGHBOURS

Policy

34 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. Relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Alterations and Extensions SPD 2019) reflect this.

Discussion

35 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.

36 None of these impacts would arise.

Summary

37 The proposal would not result in harm to the living conditions of neighbours.

8 EQUALITIES CONSIDERATIONS

38 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.

39 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

40 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.

41 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>

42 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

43 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>

44 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.

9 HUMAN RIGHTS IMPLICATIONS

45 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:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

46 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.

47 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above 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.

48 This application has the legitimate aim of providing new living accommodation to an existing flat. The rights potentially engaged by this application are considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

49 This application has been considered in the light of policies set out in the development plan and other material considerations, with particular regard given to the preservation of heritage assets.

50 The works would not result in harm to the character and appearance of the property or the wider Conservation Area. The extensions are sympathetic and, subject to further details of materials, well-designed.

11 RECOMMENDATION

51 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

11.1 CONDITIONS

- 1) **FULL PLANNING PERMISSION TIME LIMIT**
The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 2) **APPROVED DRAWINGS AND PLANS**
The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

Location Plan	829/OS01
Site Plan	829/OS02

Existing ground floor plan	829/S01
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Existing first floor plan	829/S02 Rev A
Existing roof plan	829/S03 Rev A
Existing section	829/S04
Existing front elevation	829/S05 Rev B
Existing rear elevation	829/S06 Rev B
Existing flank elevation	829/S07 Rev C

Proposed ground floor plan	829 P00 Rev A
Proposed first floor plan	829 P01 Rev B
Proposed second floor plan	829 P02 Rev C - received 02.07.19
Proposed roof plan	829 P03 Rev D - received 02.07.19
Proposed front elevation	829 P04 Rev D - received 02.07.19
Section AA and CC	829 P07 Rev C - received 02.07.19
Section BB	829 P08 Rev C - received 02.07.19
Proposed rear elevation	829 P09 Rev D - received 02.07.19
Proposed flank elevation	829 P10 Rev D - received 02.07.19

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) FURTHER DETAILS OF MATERIALS

No development above ground shall commence on site until:

- a. a detailed schedule and samples and/or manufacturer's literature as appropriate of all external materials (including paint colour) and finishes/windows/roof coverings and other site specific features (eaves, fascia, soffits and guttering) to be used on the building; and
- b. detailed section drawings at suitable scale (e.g. 1:10, 1:20) of the eaves, fascia, soffits and guttering and new and replacement rear windows

have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 and 36 and the provisions of the Alterations and Extensions SPD (2019) and Brockley Design Guide SPD (2005)

11.2 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 and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. Positive discussions took place which resulted in further information being submitted.