

Committee	PLANNING COMMITTEE C	
Report Title	Greyladies Gardens, Wat Tyler Road, London, SE10 8AU	
Ward	Blackheath	
Contributors	Vincent Murphy	
Class	PART 1	26 th March 2020

Reg. Nos. DC/19/113388

Application dated 2nd August 2019

Applicant Greyladies Gardens Limited
C/- Daniel Watney LLP

Proposal Retrospective planning application for the installation of rooftop safety railings to both the Northern and Southern Blocks of Greyladies Gardens, Wat Tyler Road SE10 (as amended on 24/2/2020).

Designation PTAL 5
Area of Archaeological Priority
Blackheath Conservation Area
Not a Listed Building

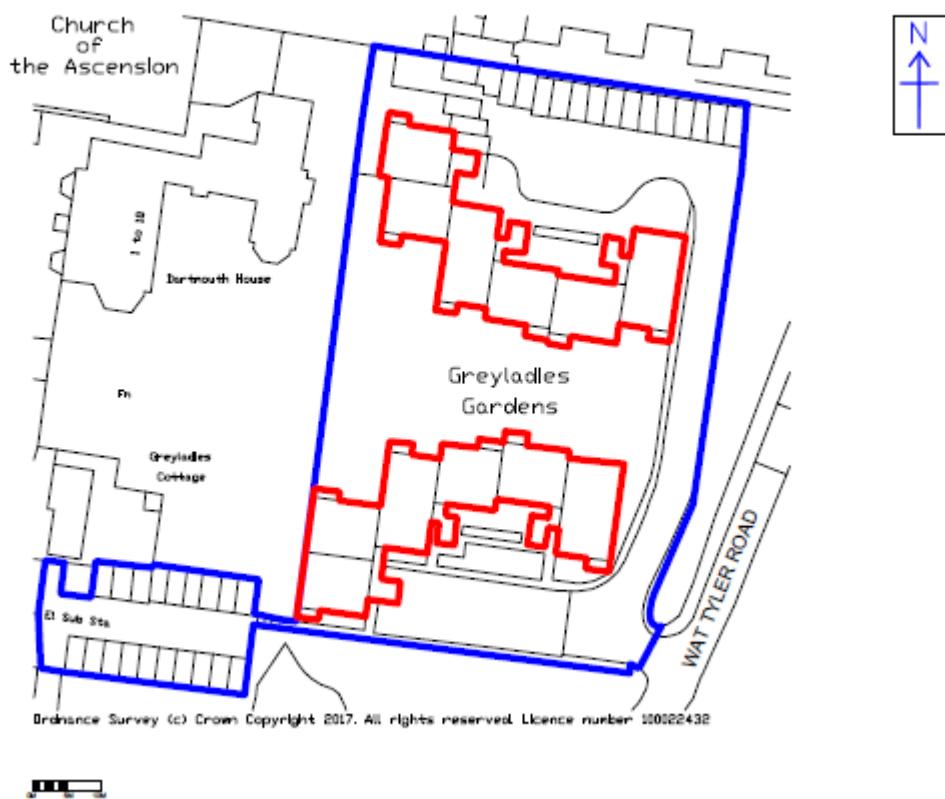
1 SUMMARY

- 1 This report sets out Officer's recommendation for the above proposal. The report has been brought before members for a decision as there are 3 or more valid planning objections.

2 SITE AND CONTEXT

Site description and current use

- 2 The subject site contains two blocks of flats, sited and massed in a stepped arrangement, on the western side of Wat Tyler Road. The buildings date from post-World War II and are both 3-stories in height. The buildings are separated from Wat Tyler Road by a boundary wall and an internal vehicle access route to the east of both buildings. Communal open space is located in the centre of the site between the two buildings.
- 3 The site is currently used for residential purposes, containing 37 flats across the two buildings (see site location plan below showing the subject buildings outlined in red).



Character of area

- 4 The character of the immediately surrounding neighbourhood is predominantly residential, with a range of building forms and architectural detailing, owing to the variance in age of buildings in the immediately surrounding area. The clear exception to the residential character of the area is the heath of Blackheath located across Wat Tyler Road to the east of the subject site. The Church of Ascension Blackheath is another exception, located north-west of the subject site, facing Dartmouth Row.

Heritage/archaeology

- 5 Neither building at the site is statutorily or locally listed; however the boundary walls of the subject site, and ornaments and buildings immediately adjoining or directly adjacent properties to the east (Holly Hedge House) and west (Southwark Diocesan House, now known as Dartmouth House; Church of the Ascension; and Percival House, Spencer House) are either Grade II* or II statutorily-listed. Buildings north of Dartmouth Grove and west of Dartmouth Row further distanced from the site are also statutorily-listed. All of the aforementioned buildings and the subject site are located within the Blackheath Conservation Area.
- 6 The site is within an Area of Archaeological Priority.
- 7 The heath of Blackheath is within the buffer zone of the Maritime Greenwich UNESCO-listed World Heritage Site.

- 8 There is no Article 4 direction removing permitted development rights affecting the subject site.

Surrounding area

- 9 The site is located at the southern edge of the Dartmouth Terrace and Wat Tyler Road sub-character area (1a) within the Blackheath Conservation Area Character Appraisal. The character and heritage of this area derive from the historical symmetrical villas north of the subject site on Dartmouth Terrace.
- 10 The site is approximately 10 minutes' walk from the major town centre (as defined by the London Plan) of Lewisham which has considerable and varied public amenities including a shopping mall, local conveniences, restaurants and public houses.

Local environment

- 11 The site is not within a mapped Flood Zone, nor in proximity to a mapped Main River, as designated by the Environment Agency. The heath of Blackheath is classified as Metropolitan Open Land at London Plan-level, with corresponding protection in the Lewisham Local Development Framework afforded the heath through a Public Open Space designation. The heath is also a Site of Importance for Nature Conservation.
- 12 No other relevant planning designations apply to the subject site or neighbouring sites beyond those described in paragraphs 5-10 above.

Transport

- 13 The site has a PTAL of 5, reflective of its close proximity to Lewisham town centre which has rail connections to central, south and south-eastern London and Kent, as well as being served by a large number of bus routes.

3 RELEVANT PLANNING AND PLANNING ENFORCEMENT HISTORY

- 14 Relevant planning and planning enforcement history:
- 15 DC/17/102000 - The installation of replacement aluminium roof trim to Greyladies Gardens, Wat Tyler Road, SE10, together with new fascia's, installation of replacement roof lights and the installation of access steps to the roof. **Granted August 2017.** Of note is that under this application, roof plans P01 and P02 included an indication of rails to be sited on the roof around access hatches, and plan-view detail of proposed steps. These components are considered to be lawfully established. As such, the railings which were not included on the plans approved under DC/17/102000 are the subject of this application – being the railings that are next to steps between the roofs of each block.
- 16 Planning enforcement case ENF/17/00567 was opened in November 2017 investigation non-compliance with plans approved under DC/17/102000. A letter from Lewisham Planning Enforcement to the owners of the subject site was issued on 14 June 2019 advising either removal of, or retrospective application for planning permission in respect of, railings and chains to the roof of the

building. This enforcement correspondence has led to the removal of chains to the roof and the subject planning application being made.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSAL

- 17 The application as amended is a retrospective proposal for the installation of rooftop safety railings (astride steps sited on the roofs of both the northern and southern blocks of flats at Greyladies Gardens, Wat Tyler Road SE10. The railings are grey in colour.
- 18 Safety railings are located on each side of the steps on the top of the roof. There are two sets of steps on each block roof – this is because the entire roof has three different flat roofs making up the total roof of each block. Railings astride steps have a maximum height of 1100mm. Please see a photograph below of the structures which require planning permission:



- 19 The scope of the application as submitted sought planning permission for the steps and other railings surrounding access hatches, in addition to the railings. Further consideration of these other structures have revealed they are deemed to benefit from planning permission DC/17/102000. The applicant therefore amended the scope of the application to remove the steps and railings around the access hatches from consideration.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

- 20 A site notice was displayed on 02/09/19 and a press notice was published on 28/08/19, in accordance with Council's Statement of Community Involvement.
- 21 Letters were sent to residents/occupiers of land in the surrounding area, the relevant ward Councillors and the Blackheath Society between 16/08/19 and 21/08/19, in accordance with Council's Statement of Community Involvement.

22 Four responses to the consultation requests were received from members of the public, all being in objection to the scheme. The substance of the objections are detailed in the table below:

5.1.1 Comments in objection

Comment	Para where addressed
Unsightly appearance, visibility from public realm, included publicly accessible heritage-protected spaces	Design quality, paras 46-50 Heritage impacts, paras 58-62
Not in keeping with the design/poor quality design with respect to that of the host and surrounding buildings, adverse effects on the settings of neighbouring listed buildings, the Maritime Greenwich World Heritage Site and the character of the Blackheath Conservation Area	Design quality, paras 46-50 Heritage impacts, paras 58-62
Negative visual amenity, outlook impacts to neighbouring residents	Outlook, paras 69-70
Adverse effects of structures could be avoided by use of alternative rooftop safety devices/apparatus	Options considered, para 58
Overlooking/privacy impacts	Outlook, paras 69-70 Privacy, para 72
Retrospective nature of the application	Whilst material in certain circumstances, in this case the ability to assess all relevant impacts and consider the proposal against material planning considerations is not compromised by the fact that the application is retrospective in nature.

23 One objection also raised matters which are not material planning considerations as follows:

1. Conduct of the applicant. This is not a material planning consideration as it is not of relevance to the question of assessing any given application against material planning considerations (particularly, impacts and planning policy as set by the NPPF and the Local Development Framework).
2. Ability to foresee the need for safety to the roof and inclusion in previous application. Alternative rooftop safety structures are relevant and are considered in the planning assessment below; the competence of any particular person to foresee their need is not relevant or appropriate to the planning assessment however.
3. Granting Planning Permission retrospectively is punitive to local residents who apply for permission in advance. Officers note it is lawful to undertake

works without permission, provided retrospective permission is sought if required. Any retrospective planning application is assessed in the same way as if the unauthorised structures did not exist.

5.2 INTERNAL CONSULTATION

- 24 The following internal consultees were notified on 16/08/19:
25 Council's Conservation Officer, who has responded and whose assessment is incorporated into the assessment below.

5.3 EXTERNAL CONSULTATION

- 26 The following External Consultees were notified on 16/08/19:
27 Blackheath Society. No submissions received.

6 POLICY CONTEXT

6.1 LEGISLATION

- 28 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).
29 Planning (Listed Buildings and Conservation Areas) Act 1990: sections 66 and 72 gives the LPA special duties in respect of heritage assets.

6.2 MATERIAL CONSIDERATIONS

- 30 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.
31 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.
32 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

33 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

34 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

35 London Plan SPG/SPD:

- London View Management Framework (March 2012)
- World Heritage Sites - Guidance On Settings SPG (2012).
- Character and Context (June 2014)

6.6 OTHER MATERIAL DOCUMENTS

- Draft London Plan (DLPP, expected 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. The Inspector's Report was issued on 8 October 2019. An Intend to Publish from the Mayor of London to the Secretary of State, instigating the final stage of plan adoption, occurred on 9 December 2019. The draft plan now therefore has some weight as a material consideration when determining planning applications. The substance of the relevant draft London Plan policies are not considered to materially differ in their application to the subject site and proposal, and therefore the DLPP is not assessed further in this report.

7 PLANNING CONSIDERATIONS

36 The pertinent planning considerations are as follows:

- Principle of development
- Urban design impacts, including heritage impacts
- Impacts on occupiers of adjoining properties

7.1 PRINCIPLE OF DEVELOPMENT

General policy

37 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.

- 38 The principle of the development in this case is alterations to an existing residential building. There is no change of use at the existing site proposed.
- 39 There is no objection to the principle of residential alterations in this area, as the predominant land-use within the surrounding neighbourhood is residential and extensions or alterations to accommodate modern living requirements and/or compliance with new or updated legislation, in principle, can be reasonably expected.
- 40 As such the principle of the development is considered to be acceptable in this context.

7.2 URBAN DESIGN IMPACTS

General Policy

- 41 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 42 Within the Development Plan as applicable to Lewisham, LPP's 7.4, 7.6, 7.8, and 7.10, CSP's 15 and 16, and DMP's 30, 31 and 36 are particularly relevant to urban design and heritage impact considerations. The Lewisham Alterations and Extensions SPD is also relevant to urban design and character considerations in this context. The DMP and Alterations and Extensions SPD provide the most specific direction as to expected outcomes of deliberate planning policies set for Lewisham, and relevant excerpts or summaries are included in advance of assessment in the paragraphs below.

7.2.1 Appearance and character, form and scale, materials and detailing, townscape impacts

Policy

- 43 DMP 30 requires development proposals to attain a high standard of design, and a response to context by way of creating a positive relationship to the existing townscape, natural landscape and open spaces, to preserve or create an urban form which contributes to local distinctiveness. Materials should be high quality and durable, sensitive to the local context, matching or complementing existing development and be clearly justified. This applies to ornamentation to buildings also.
- 44 DMP 31 similarly requires high, site-specific sensitive design quality, respecting/complementing the architectural characteristics and detailing of original buildings. Access structures should be within the envelope of the building or, where impractical, sited to have the least visual impact.
- 45 Section 6.11 of the Alterations and Extensions SPD relates to rooftop equipment, and directs such structures to be located to the rear of roofs or hidden by original features such as chimney stacks.

Discussion

- 46 The railings provide for safe access to the roof for maintenance purposes. There is no change to the existing roof form or wall/roof junction detailing proposed by the application.
- 47 The height of the railings is the minimum required by Building Regulations (1100mm), and the design is visually lightweight. The steps are necessary due to the stepped nature of the blocks, and the railings in question are directly adjacent to these steps to allow for safe use. These structures have been sited at the centre point of each roof connection within the roofs of the blocks, so as to be more or less equidistant from the northern and southern facades and approximately 16m (closest railings) inset from the eastern façade of the blocks (which face Wat Tyler Road and the heath of Blackheath). This reduces their visibility from the public realm.
- 48 Some of the railings are visible from the public realm. The conspicuousness of these structures is considered to be very low, again owing to their siting within the roofs, minimalist design and grey colouring which is of low reflectivity and sheen. There are also numerous trees along the eastern and southern boundaries of the site, 6-8m in height, which provide considerable cover and screening of the roof when in leaf.
- 49 It is also observed that similar railings are located at the edge of the building on the adjoining site to the north, and that antenna/satellite roof structures are also visible from private properties to the rooftops of neighbouring buildings. While some of these may not benefit from planning permission, it is evident that the inclusion of clearly incidental or ancillary structures to a roof in this area is not alien in the surrounding context.
- 50 For the above reasons, the design of the structures are considered to be suitably sensitive to the design and character of the subject site and surrounding area, subservient to the form and detailing of the building, with minimal visual intrusiveness upon the townscape and relationship to surrounding setting, and therefore suitably high quality and satisfactory with respect DMP's 30 and 31. Any character and townscape impacts of the railings are therefore considered acceptable.

7.2.2 Impact on Heritage Assets

Policy

- 51 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the LPA shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 52 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting that the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 53 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.

- 54 LPP 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details.
- 55 LPP 7.10 seeks to protect World Heritage Sites and their settings, avoiding adverse impacts, having regard to its Outstanding Universal Value. Further guidance is given in the Mayor of London's World Heritage Sites - Guidance On Settings SPG (2012). DLPP HC2 requires Heritage Impact Assessments for development with the potential to affect a WHS or its setting. DLPPs HC3 and HC4, dealing with strategic views and the LVMF, are also relevant.
- 56 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.
- 57 DMP's 36 and 37 echo national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets, and distinctiveness of non-designated heritage assets, are maintained and enhanced.

Discussion

- 58 Officers consider that the railings generate no harm to the heritage and appreciation of the Blackheath Conservation Area. Regard has been had to the justification and alternatives analysis statement provided by the application in coming to this position, which is informed by advice from Council's Conservation Officer. As discussed above, while somewhat visible from the public realm, any adverse impact of the structures upon the historic character of Blackheath is reduced by their slender profile, low height, colour, central siting within the roof surface, and by boundary vegetation (when in leaf). The siting central within the roof and slender design and bulk ensures the railings do not interfere with the elevation, or obscure or erode the characteristics and features of the building.
- 59 The character and appearance of the conservation area is not materially altered by the proposal. Likewise the overall significance of this site's contribution and indeed the entirety of the Blackheath Conservation area is not harmed – it is noted the sense of closure to the heath of Blackheath remains intact.
- 60 The same conclusions are reached with respect to impacts upon neighbouring/nearby listed buildings and the listed boundary walls of the subject site and their settings. This is due to the separation distances to these buildings and the corresponding lack of visual connection and interference/obscuration, due to the slender, lightweight, minimal-solidity and low height of the railings.
- 61 The railings are sufficiently small, slender, centrally sited and therefore distanced so as to generate no harm to the character and heritage value of the nearby buffer zone of the Maritime Greenwich World Heritage Site.

62 Officers conclude no harm to heritage assets results from these railings. Based on this conclusion, no weighting of public benefits of the proposal is necessary as directed by paragraph 196 of the NPPF. Therefore any impacts upon the heritage and character of the Blackheath Conservation Area, nearby listed buildings and structures, and the Maritime Greenwich World Heritage Site are considered to be acceptable. The proposal is considered to preserve the character and appearance of the Blackheath Conservation Area in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and be consistent with the heritage provisions of the planning policy cited above, in particular DM Policies 36 and 37 and CS Policy 16.

7.2.3 Urban design conclusion

63 Based on the above assessment, urban design impacts including impacts on the townscape/public realm, character and heritage of the host buildings and neighbouring buildings, and neighbouring spaces and structures which are listed or otherwise protected for heritage reasons, are considered to be acceptable. The proposal is considered to be suitably consistent with the aforementioned relevant planning policies.

7.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

64 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 of dwellings.

65 This is reflected in relevant policies of the London Plan (7.6), the Core Strategy (Policy 15), the Local Plan (DM Policy 31) and associated guidance (Lewisham Alterations and Extensions SPD).

66 DMP 31 expects alterations and extensions to existing building to have regard to neighbouring amenity impacts.

67 Given their design and position, the railings would not give rise to any materially adverse sense of enclosure, overbearing, or a loss of daylight, sunlight to neighbouring properties. The proposed development will not give rise to undue noise impacts. The proposal is considered to have the potential for adverse outlook and privacy impacts to neighbouring properties which are assessed below.

7.3.1 Outlook

Policy

68 DM Policy 31 directs residential extensions and alterations result in no significant loss of privacy and amenity, which includes outlook, with ancillary plant, pipework, fire escapes etc. sited to have the least visual impact. The Alterations and Extensions SPD emphasises the need for considering outlook impacts upon neighbouring amenity.

Discussion

- 69 It should be firstly made clear that outlook is distinguished from a view. Outlook is a degree of relief from windows or habitable spaces and reasonable visibility of the outside environment from habitable spaces. Private views are a subjective view of a particular feature or object, and impacts upon a particular view are not material planning considerations.
- 70 The closest separation distance between the railings and neighbouring windows is approximately 19m (to closest façade at Dartmouth House to the west). An objection claims 10m, however it is unclear how or where this could have been calculated, considering the precise locations of the structures sought approval – it is correct that the closest distance between walls of a neighbouring building and the subject building is 10m, but not to the siting of the railings. Given the distance and the nature of the railings, no harm to outlook arises.

7.3.2 Privacy

Policy

- 71 DM Policy 31 directs residential extensions and alterations result in no significant loss of privacy. The Alterations and Extensions SPD emphasises the need for considering privacy impacts upon neighbouring amenity.

Discussion

- 72 The structures facilitate roof access for maintenance operations only. Officers note that roof maintenance would occur in any event and the development will facilitate safer access. Such access would be infrequent and of low intensity occupation when occurring. It is not considered to result in any material loss of privacy to neighbouring properties.

7.3.3 Impact on neighbours conclusion

- 73 For the above reasons, Officers conclude there are no adverse impacts upon the residential amenity of any neighbours. The proposal is considered to be compliant with the amenity provisions of DM Policy 31 and the Alterations and Extensions SPD.

7.4 OTHER SITE SPECIFIC CONSIDERATIONS

- 74 Due to the nature of the design of the structures, and rooftop location, the proposal is considered to have no potential for adverse impacts on the surrounding environment and ecology, open space character and function of the heath of Blackheath, or impacts on highway operation in terms of driver distraction from reflective materials or obtrusive siting.
- 75 For the same reasons as discussed in relation to privacy impacts above, intrusion of noise from maintenance activities is not considered to result in any material loss of amenity at neighbouring properties.

8 EQUALITIES CONSIDERATIONS

- 76 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.

- 77 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.
- 78 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.
- 79 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/services-public-functions-and-associations-statutory-code-practice>
- <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 80 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
- 81 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:

82 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

83 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

84 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.

85 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.

86 This application has the legitimate aim of providing an existing building with access to the roof for maintenance purposes whilst meeting building regulation requirements. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

87 This application has been considered in the light of policies set out in the development plan and other material considerations.

88 It is acknowledged there is a small degree of visibility of the structures from the public realm, and a greater degree of visibility from private properties. However this is not considered to amount to incongruous or harmful changes to the building composition and appearance, the character and streetscape within which the building sits, nor material harm to heritage value of the Blackheath Conservation Area or any other protected heritage assets whatsoever. Officers recommend of approval of the scheme. As the works are already completed and no changes are required, no conditions are necessary.

11 RECOMMENDATION

89 That the Committee resolve to GRANT planning permission.

11.1 INFORMATIVE

- 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.