

Committee	PLANNING COMMITTEE A	
Report Title	60 Erlanger Road, SE14 5TG	
Ward	Telegraph Hill	
Contributors	Jesenka Ozdalga	
Class	PART 1	25th June 2020

<u>Reg. Nos.</u>	(A) DC/20/115496
<u>Application dated</u>	29 January 2020
<u>Applicant</u>	Archer and Braun (on behalf of applicant)
<u>Proposal</u>	The construction of a single storey rear and side extension (wrap around) at 60 Erlanger Road, SE14, together with relocation of the existing timber gate at the side boundary wall.
<u>Submitted drawings and documents</u>	0105-ABA-20-500; 0105-ABA-20-501 received on 16 March 2020.  0105-ABA-00-022A Rev A; 0105-ABA-00-030A Rev A; 0105-ABA-00-020A Rev A; 0105-ABA-00-021A Rev A; 0105-ABA-00-101A Rev A; 0105-ABA-00-100A Rev A; 0105-ABA-00-202A Rev A; 0105-ABA-00-300A Rev A; 0105-ABA-00-200A Rev A; 0105-ABA-00-201A Rev A received on 25 February 2020.  0105-ABA-00-005; 0105-ABA-00-006; 0105-ABA-00-010; 0105-ABA-00-011; 0105-ABA-00-060; 0105-ABA-00-203 received on 30 January 2020.
<u>Background Papers</u>	(1) Core Strategy (June 2011) (2) Development Management Local Plan (November 2014) (3) London Plan (March 2016)
<u>Designation</u>	Telegraph Hill Conservation Area, Telegraph Hill Article 4(2) Direction, PTAL 5 and 6a
<u>Screening</u>	N/A

# 1 SUMMARY

- 1 This report sets out Officer's recommendation for the above proposal. The case has been brought before members for a decision as the recommendation is to approve and there are three valid planning objections.

# 2 SITE AND CONTEXT

## *Site description and current use*

- 2 The application relates to the three storey, end-of-terrace single family dwelling located on the northwest corner of Erlanger and Sherwin Road junction. The application property features an existing single storey rear extension.



**Site location plan**

## *Character of area*

- 3 The uniform and cohesive character of the immediate surrounding consists of two and three storey semi-detached and terraced dwellings, built to standardised design in the late 19<sup>th</sup> century.

## *Heritage/archaeology*

- 4 The application site is located within the Telegraph Hill Conservation Area and is subject to an Article 4 Direction. However, it is not a listed building or in vicinity of one.

## *Surrounding area*

- 5 In terms of amenity, the site is well served by local shops and public transport, located within a few minutes walk of New Cross Gate station (overground and National Rail), and the buses on New Cross Road. Telegraph Hill Park is in close proximity, as are a number of schools, notably Haberdashers' Aske's Hatcham College.

## *Local environment*

- 6 The application site is not in a flood risk zone.

## ***Transport***

- 7 The application site has high PTAL of 6a and is in close proximity to the town centre, which makes this a sustainable location in terms of transport links. Some properties on this road feature off-street parking within their front garden.

## **3 RELEVANT PLANNING HISTORY**

- 8 **DC/19/114451** - Installation of replacement Spanish slate roof coverings at 60 Erlanger Road SE14. **Granted.**

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSALS**

- 9 The construction of a single storey rear and side extension at 60 Erlanger Road, SE14, together with the relocation of the existing timber gate at the side boundary wall.
- 10 The proposal would retain the existing ground floor bay window to the side elevation.
- 11 The proposed materials for the wrap around extension are vertical timber cladding and slim profile aluminium doors and windows. The proposed roof would be part glazed, part standing seam steel.

## **5 CONSULTATION**

### **5.1 PRE-APPLICATION ENGAGEMENT**

- 12 PRE/19/114809 – Pre-application advice was sought for the construction of a single storey wrap around extension to the rear of 60 Erlanger Road.
- 13 At that stage, officers advised that the scale, massing and proposed materials of the wrap around extension needed further consideration.

### **5.2 APPLICATION PUBLICITY**

- 14 Site notice was displayed on 5 February and a press notice was published on 12 February 2020.
- 15 Letters were sent to residents in the surrounding area, the Telegraph Hill Society and the relevant ward Councillors on 31 January 2020.
- 16 Six number responses from local residents were received, comprising three objections and three support comments.

#### **5.2.1 Comments in objection**

<b>Comment</b>	<b>Para where addressed</b>
The design and materials of the proposal are too contemporary and do not relate	[para 38, 40]

sensitively to the host building and conservation area.	
The scale is not in keeping with conservation area	[para 39]
Potential structural damage to the neighbouring property and party wall	[para 55, 56]
Potential damage to the trees, shrubs and landscaping.	During the site visit, no mature trees or significant landscaping were identified on the application site or the neighbouring garden in the immediate vicinity of the existing single storey extension that this proposal seeks to replace.
Inaccurate Drawings, Lack of existing party wall and proposed rainwater drainage details	[para 57]

### 5.2.2 Comments in support

Comment	Para where addressed
The existing single storey extension is in poor condition and proposal is considered of high quality design and materials	[para 38, 39, 40]
The provision of additional space for growing family	[para 31]

## 5.3 INTERNAL CONSULTATION

17 The following internal consultees were notified on 31 January 2020.

18 Conservation officer reviewed the proposal and raised no objections.

## 6 POLICY CONTEXT

### 6.1 LEGISLATION

19 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).

20 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

21 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.

22 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.

23 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 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

### **6.4 DEVELOPMENT PLAN**

24 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)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

### **6.5 SUPPLEMENTARY PLANNING GUIDANCE**

25 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Telegraph Hill Conservation Area Character Appraisal (April 2008)

### **6.6 OTHER MATERIAL DOCUMENTS**

- Draft London Plan: 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 was held between 15th January and 22nd May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State the Intend to Publish London Plan on 9th December 2019. This document now has some weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP).

## **7 PLANNING CONSIDERATIONS**

26 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*

- 27 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.
- 28 Lewisham is defined as an Inner London borough in the London Plan. LPP 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.
- 29 The Development Plan is generally supportive of people extending or altering their homes, subject to details.

### *Discussion*

- 30 The application site lies within the established residential area where different forms of alterations and extensions to existing buildings have already taken place.
- 31 The proposal would replace and extend an existing single storey extension and would provide occupants of the application dwelling an enlarged area for their dining room and kitchen.

### **7.1.1 Principle of development conclusions**

- 32 The principle of the development is acceptable.

## **7.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS**

### *General Policy*

- 33 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.
- 34 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. The NPPG encourages decision takers to always secure high quality design.
- 35 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.
- 36 LPP 7.4, 7.6 and 7.8, DLPP HC1, CSP 15 and 16, DMLP 30, 31 and 36 and 37 reflect these priorities and are relevant. Further guidance is given in Alterations and Extensions SPD and Telegraph Hill Conservation Area Character Appraisal.

### *Discussion*

- 37 The site is located in the Telegraph Hill Conservation Area and is somewhat visible from the public realm. The building makes a positive contribution to the Conservation Area and Officers consider it a non-designated heritage asset.
- 38 The proposal would replace the existing extension to the same depth on the boundary with 58 Erlanger Road (2.4m) but widen towards Sherwin Road. It would have a dual pitched roof and would be set back from the side boundary wall along Sherwin Road. The existing bay window to the side elevation of the outrigger would be retained: this is an important feature so this is welcomed. The proposal is considered to be of a modest scale, appropriately subordinate to the host building and complies with the provisions of the Alterations and Extensions SPD.
- 39 Objections were raised over the scale of the proposal not being in keeping with the area. The rear garden slopes down towards the back and along Sherwin Road. As the application site is a corner property, the single storey extension would sit at the lower ground floor and would only be partially visible from Sherwin Road above the existing boundary brick wall. The proposal maintains the same depth of the existing extension and features eaves height lower than the existing. Therefore, the proposal is not considered to introduce inappropriate scale in this area.
- 40 Objections were raised over the proposal being overly contemporary for the conservation area. However, the Alterations and Extensions guidance is clear that a modern, high quality design is generally more successful in this type of extension in conservation areas. The extension would be of a contemporary, lightweight design with vertical timber cladding to the rear elevation and glazing to the side elevation. The dual pitched roof would be part glazed, part seam standing steel. As such, the proposed extension is considered of high quality design and materials.
- 41 Officers raise no objections to the alterations to the existing brick boundary wall to change the location of the existing door. Existing brick would be reclaimed and used to infill the resulting gap in the brick wall.
- 42 In light of the above, Officers are satisfied with the design, scale and materials of the proposed wrap around rear extension and consider it appropriately high quality and subordinate to the host building.
- 43 Officers conclude that no harm to the heritage and character value of the Telegraph Hill Conservation Area would result. Therefore, no weighting exercise pursuant to paragraph 196 of the NPPF is required.

### *Summary*

- 44 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 the character or appearance of Telegraph Hill Conservation Area and the property itself.

## **7.3 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

- 45 CP15, DMP31(c) and the provisions of the Alterations and Extensions SPD are relevant.

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

### **7.3.1 Enclosure and Outlook**

#### *Policy*

47 Overbearing impact arising from the scale and position of an extension is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries.

#### *Discussion*

48 The application property sits on a corner site and therefore only 58 Erlanger Road has a relevant shared boundary. 58 Erlanger Road features a single storey conservatory to the rear, set back from the boundary with the application property.

49 Objections were raised over the submitted drawings not being accurate and failing to include the existing boundary wall between these two properties. Initially submitted drawings led to the conclusion that the boundary wall would be demolished. Revised drawings were submitted and Officers are satisfied that they accurately demonstrate that the existing boundary wall would be retained. It is also clear that the works would be contained on the applicant's side of the boundary.

50 The extension would not protrude beyond the rear wall of the existing extension and would retain the depth of approx. 2.4m on the boundary with 58 Erlanger Road. The proposed eaves height would be 2.3m on the boundary. An extension of such a scale is compliant with Lewisham's Alterations and Extensions SPD and would not result in an adverse impact in terms of being overbearing or creating a sense of enclosure.

### **7.3.2 Privacy**

#### *Policy*

51 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

#### *Discussion*

52 The proposal would not feature any side windows towards the boundary and property at 58 Erlanger Road. Therefore, no loss of privacy to neighbouring amenities is considered to arise from this proposal.

### **7.3.3 Daylight and Sunlight**

#### *Policy*

53 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context.

#### *Discussion*

54 As discussed in paragraph 80 of this report, the extension would retain the scale and massing of the existing single storey extension on the boundary with 58 Erlanger Road. Therefore, no adverse impact on the levels of the daylight and sunlight on the neighbouring amenities would arise.



### **7.3.4 Other issues**

55 Objections were received raising concerns over party wall issues and potential structural damage to the neighbouring property. Objections were also raised over the lack of rainwater drainage and guttering details for the extension, in particular on the boundary with the neighbouring property.

56 Structural issues are not a material planning consideration for a proposal of this scale. Furthermore, party wall issues are a civil matter covered by the provisions of the Party Wall Act.

57 Rainwater guttering details were submitted during the application and are included in the approved drawings. Officers consider the proposed guttering acceptable and not to result in an adverse impact on the neighbouring amenity in terms of rainwater discharge from the roof of the proposed extension.

### **7.3.5 Impact on neighbours conclusion**

58 Due to its location, modest scale, massing and detailing, the proposal is not considered to result in an adverse impact on the amenities of the neighbouring properties.

## **7.4 LOCAL FINANCE CONSIDERATIONS**

59 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- 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
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

60 The weight to be attached to a local finance consideration remains a matter for the decision maker.

61 The CIL is therefore a material consideration, however in this case the proposal is not liable for Lewisham CIL and MCIL payment.

## **8 EQUALITIES CONSIDERATIONS**

62 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.

63 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.

- 64 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.
- 65 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>
- 66 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
- 67 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>
- 68 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 [Amend to specific situation]**

- 69 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

- 70 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.
- 71 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.
- 72 This application has the legitimate aim of providing an additional space within an existing building with residential use. The rights potentially engaged by this application, are not considered to be unlawfully interfered with by this proposal.

## 10 CONCLUSION

- 73 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 74 The development would not give rise to any harm to the living conditions of neighbours and it would preserve the character and appearance of the Conservation Area and the property itself. Officers have given weight to the merit of use of high quality design and materials to provide an additional space for the existing family-sized dwelling in a sustainable location. Therefore, Officers recommend that planning permission should be granted subject to conditions.

## 11 RECOMMENDATION

- 75 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) **DEVELOPMENT IN ACCORDANCE WITH THE APPROVED PLANS**

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

0105-ABA-20-500; 0105-ABA-20-501 received on 16 March 2020.

0105-ABA-00-022A Rev A; 0105-ABA-00-030A Rev A; 0105-ABA-00-020A Rev A; 0105-ABA-00-021A Rev A; 0105-ABA-00-101A Rev A; 0105-ABA-00-100A Rev A; 0105-ABA-00-202A Rev A; 0105-ABA-00-300A Rev A; 0105-ABA-00-200A Rev A; 0105-ABA-00-201A Rev A received on 25 February 2020.

0105-ABA-00-005; 0105-ABA-00-006; 0105-ABA-00-010; 0105-ABA-00-011;  
0105-ABA-00-060; 0105-ABA-00-203 received on 30 January 2020.

**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) **MATERIALS**

- (a) The development shall be constructed in those materials as submitted namely: vertical timber cladding, slim framed timber/aluminium composite windows and doors, light grey standing seam steel roof and patent glazing system (light grey frames) and in full accordance with submitted drawing 0105-ABA-00-202A Rev A and 0105-ABA-00-200A Rev A.
- (b) The scheme shall be carried out in full accordance with those details, as approved.

**Reason:** To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

4) **USE OF EXISTING BRICK**

Existing brick shall be reclaimed and used to infill the gap resulting from the alterations in the side boundary brick wall.

**Reason:** To ensure that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

## 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 discussions took place which resulted in further information being submitted.