

Committee	PLANNING COMMITTEE B	
Report Title	208 Albyn Road, London, SE8 4QJ	
Ward	Brockley	
Contributors	Alfie Williams	
Class	PART 1	21 APRIL 2021

<u>Reg. Nos.</u>	DC/20/119777
<u>Application dated</u>	28.12.2020
<u>Applicant</u>	Ms Georgina Collins
<u>Proposal</u>	The construction of a mansard roof extension at 208 Albyn Road, SE8.
<u>Background Papers</u>	(1) Case File DE/112/208/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) The London Plan (March 2021)
<u>Designation</u>	Brookmill Road Conservation Area Brookmill Road Conservation Area Article 4 Direction Dartford Neighbourhood Forum Flood Risk Zone 2 Area of Archaeological Priority PTAL 4

1 SUMMARY

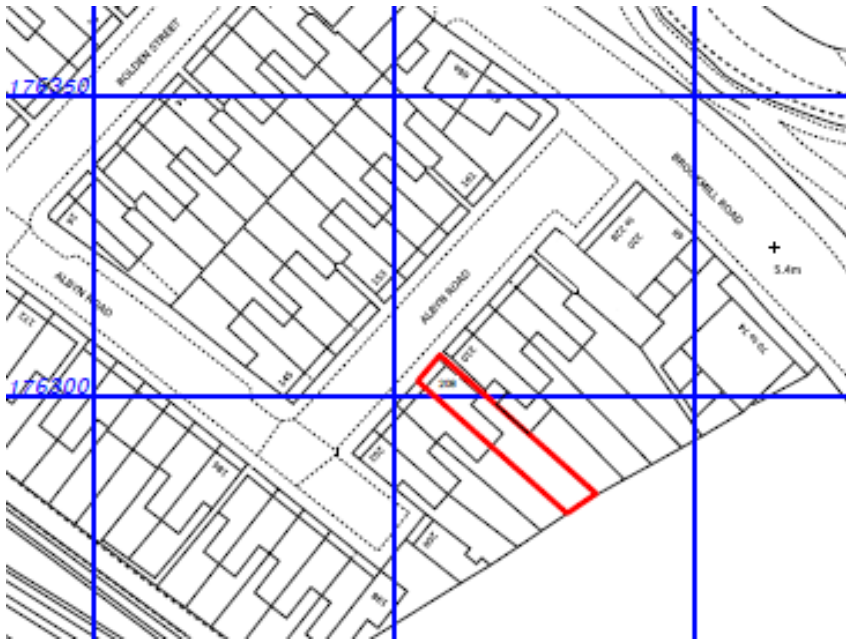
- 1 This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of an objection by the Brookmill Road Conservation Area Society.

2 SITE AND CONTEXT

Site description and current use

- 2 The application site is a two storey end-of-terrace property located on the south-eastern side of Albyn Road. The property is constructed from yellow stock brick under its original slate London 'butterfly' roof and chimney stacks. The roof is concealed behind the front façade by a continuous parapet with stucco cornice, obscuring the pitches and gutter, with only chimney stacks and pots visible above the corniced parapets. At the rear, the property features a two storey outrigger.

Figure 1. Site Location Plan



Character of area

- 3 The surrounding area is prominently residential and is comprised of similar Victorian terraces. Properties on this section of Albyn Road are characterised by London ‘Butterfly’ roofs. The butterfly roof is typical of this terrace and was used extensively in the 19th century and can be found throughout the Brookmill Road Conservation Area. This section of Albyn Road features a high proportion of Mansard extensions, which are visible above the unified parapet line. This includes the properties either side of the application site at Nos 206 and 210 Albyn Road.

Heritage

- 4 The property is within the Brookmill Road Conservation Area and subject to an Article 4 Direction, which restricts permitted development rights on elevations that front a public space. The character and appearance of the Brookmill Conservation Area is made up of modest, two storey houses, originally for working and lower middle classes, built mainly between 1850 and 1890. Houses are usually grouped in short terraces of two, four, six or eight in which the single house forms a unit within the larger entity of the street. Despite some differences in elevational treatment of the terraces, the character of the area is one of great architectural unity with the occasional accent at a street corner.
- 5 The property is not listed nor is it in the vicinity of a listed building.

Transport

- 6 The application site has a Public Transport Accessibility Level (PTAL) rating of four, where on a scale of 1-6, 1 is lowest and 6 is highest.

3 RELEVANT PLANNING HISTORY

- 7 DC/13/82547: The construction of a mansard roof extension to provide additional living space at 208 Albyn Road SE8 – granted 19 April 2013

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

8 The proposed development would see the construction of a mansard extension to the butterfly roof. The mansard would measure 7m deep x 5.1m wide with a height of 1.4m above the parapet. The front roof slope of the mansard would be set back 0.3m from the top of the parapet and would be pitched to match the angle of the neighbouring mansard at No.206.

9 The mansard would be clad in natural slate with a stock brick parapet wall at the flank facing no.210 (north-east). At the boundary with No.206 the extension would adjoin the existing stock brick parapet wall. The front and rear roof slopes would be punctuated with lead clad dormers housing timber sash windows. The dormers would be aligned with the existing windows on the elevation below.

4.2 COMPARISON WITH PREVIOUS SCHEME

10 The proposed mansard would be similar to the extension granted permission in 2013. Figure 2 below shows a comparison of the proposed front elevations for both applications.

Figure 2. Comparison between the proposed front elevations of the approved 2013 scheme (outlined in blue) and the application scheme (outlined in red).



5 CONSULTATION

5.1 APPLICATION PUBLICITY

11 Site notices were displayed and a press notice was published on 20 January 2021.

12 Letters were also sent to residents in the surrounding area and the relevant ward Councillors on 12 January 2021.

13 One representation was received in response expressing support for the application due to the beneficial impact to the streetscene of infilling the gap between adjoining mansards. The environmental benefits of reducing carbon emissions via increased energy efficiency where also noted.

5.2 INTERNAL CONSULTATION

14 The following internal consultees were notified on 11 January 2021.

15 Conservation: raised objections. See para 38-40 for further details

5.3 EXTERNAL CONSULTATION

16 The following External Consultees were notified on 11 January 2021:

17 Brookmill Road Conservation Area Society: Raised objections to the harmful visual impact to the Brookmill Road Conservation Area resulting from the visual intrusion of the mansard above the characteristic unified parapet line of the group of houses.

18 St Johns Society: Commented in support of the application on the grounds that mansards are an appropriate addition to this building typology and noted that there are precedents in the vicinity and throughout the conservation area. The society also noted that are environmental benefits in terms of conserving energy and extending an existing building rather than building on new land. See para for further discussion.

19 Deptford Action: did not respond.

6 POLICY CONTEXT

6.1 LEGISLATION

20 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).

21 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

22 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.

23 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.

24 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 aforementioned directions and 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

25 The Development Plan comprises:

- London Plan (March 2021) (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

26 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

7 PLANNING CONSIDERATIONS

27 The main issues are:

- Principle of Development
- Urban Design & Heritage Impact
- Impact on Adjoining Properties
- Flood Risk

7.1 PRINCIPLE OF DEVELOPMENT

28 The development plan is generally supportive of people extending or altering their homes. As such, the principle of development is supported subject to an assessment of the details.

7.2 URBAN DESIGN & HERITAGE IMPACT

General Policy

29 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.

Policy

- 30 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 31 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..
- 32 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.
- 33 LPP HC1 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.
- 34 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.
- 35 DMP 36 echoes 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 is maintained and enhanced.
- 36 DMP 31 states that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area.
- 37 The Alterations and Extensions SPD provides guidance for the design of mansard roofs but is clear that mansards may not always be an appropriate form of development within conservation areas.

Discussion

- 38 The Conservation Officer has raised an objection to the proposed addition of a mansard roof extension to a characteristic London roof on this building typology. The character of the Brookmill Conservation Area is defined in part, by the continuous parapet line of the terraces, embellished by cornice, and the regular rhythm of doors and window openings on the elevation below. Mansard extensions project above the parapet line, interrupting the roofline of the terrace and can detract significantly from the uniform character of the terraces along the street due to the additional bulk and height. This assessment of the harm is supported by recent guidance published by Historic England *Conserving Georgian and Victorian Terraced Houses* (July 2020).
- 39 However, the adjoining terrace of four properties comprising Nos 202-208 features two mansards, at Nos 204 and 206. The neighbouring property at No.210 also has a mansard extension, see Figure 3 below. The mansards at Nos 188 and 190 are also clearly visible from the front of the application site.

Figure 3. Front Elevation photograph of 204-214 Albyn Road (right to left)



- 40 Viewed within this context the terrace can no longer be considered to retain a unified roofline. The Council's Conservation Officer has assessed the proposed development within the context and identifies cumulative harm (in the range of less than substantial in NPPF terms) from the further loss of the historic roof form and the adverse impact to the original roofscape of the Conservation Area.
- 41 . The further loss of the traditional roof is acknowledged. However, the unified composition of the roofscape within the terrace has been lost. Officers considered that the beneficial impacts of infilling the gap in the roofscape and restoring a uniform roofline would outweigh any harm from the loss of the historic roof form. In coming to this assessment, Officers have also given weight to the planning history of the property, which includes a planning permission for a mansard roof, and the number of mansard roof extensions granted planning permission within the Brookmill Road Conservation Area, most recently at the neighbouring 210 Albyn Road in September 2020 (reference DC/20/117231).
- 42 The Alterations and Extensions SPD provides detailed guidance for the design of mansard extensions. The front roof slope of the mansard would project directly from the parapet, contrary to the guidance which states that mansards should be set back from the bottom of the parapet by 0.25m. This is in part to allow room for a parapet gutter. Deviation from the design guidance is required to ensure that the front slope would replicate the pitch and height of the adjoining mansard at No.206. This is considered to be the correct approach as otherwise the mansard would fail in the requirement to create a consistent roofline resulting in an incongruous and visually intrusive addition to the roofscape.
- 43 In all other respects the mansard would comply with the relevant guidance in terms of the retention of the V shape at the rear, the alignment of the windows and the use of historically appropriate materials. A condition is recommended securing the specification of the materials as well detailed drawings of the dormers, windows and rainwater goods.
- 44 In summary, the proposed addition of mansard roof would infill a gap in the roofscape, providing a consistent roofline for the terrace. It is therefore concluded that the current proposal would lead to no harm to the Brookmill Road Conservation Area. As such, it is not necessary to consider the public benefits of the scheme including any potential environmental benefits in terms of energy efficiency.

Summary

- 45 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 and appearance of the Brookmill Road Conservation Area.

7.3 LIVING CONDITIONS OF NEIGHBOURS

Policy

46 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. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

47 This is reflected in relevant policies of the London Plan (D3), the Core Strategy (CP15), the Local Plan (DMP 31) and associated guidance (Alterations and Extensions SPD 2019).

Discussion

48 The main impacts on amenity relevant to this application potentially 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.

49 The mansard extension would be constructed within the footprint of the existing roof resulting in a modest increase to the height of the building. As such, the proposed development is not considered to introduce any adverse impact to neighbours in terms of an increased sense of enclosure or a harmful reduction to daylight and sunlight to neighbouring rooms or gardens. The introduction of windows in the roof would provide views similar to those already established on the elevations below thereby preventing any material change to the privacy currently enjoyed by neighbours.

50 Summary

51 The mansard extension would not result in any material harm to the living conditions of the neighbouring properties.

7.4 FLOOD RISK

Policy

52 NPPF para 155 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 163 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.

53 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

Discussion

54 The application site is located within Flood Risk Zone 2. No Flood Risk Assessment has been submitted in support of the application. Despite this Officers are content that the development would be acceptable in terms of flood risk vulnerability given that the proposed development is confined to roof level.

8 LOCAL FINANCE CONSIDERATIONS

55 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).

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

57 The CIL is therefore a material consideration and the relevant form has been submitted.

9 EQUALITIES CONSIDERATIONS

58 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.

59 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.

60 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.

61 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>

62 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

63 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>

64 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

10 HUMAN RIGHTS IMPLICATIONS

65 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:

- Protocol 1, Article 1: Right to peaceful enjoyment of your property

66 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.

67 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.

68 This application has the legitimate aim of providing an extension to an existing residential property. The rights potentially engaged by this application, including Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

11 CONCLUSION

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

70 Overall, the proposed development is considered to preserve the character and appearance of the Brookmill Road Conservation Area, the living conditions of the neighbouring properties or flood risk vulnerability. Therefore, the application is recommended for approval subject to the conditions set out below.

12 RECOMMENDATION

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

12.1 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 PLANS

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

2020_01_PL_001; 2020_01_PL_100; 2020_01_PL_110; 2020_01_PL_200;
2020_01_PL_210;

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) No development shall commence on site until a detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following:

- i) natural slate roof covering;
- ii) dormers and windows (including sections);
- iii) external brickwork;
- iv) rainwater goods and guttering

has been submitted to and approved in writing by the Council.

(b) The works shall then be carried in full accordance with the approved details prior to the first occupation of the development, and retained thereafter.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design and 16 Conservation areas, heritage assets and the historic environment for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014)

4) EXTERNAL PIPEWORK

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, or rainwater pipes, shall be fixed on the front elevation of the building.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design and 16 Conservation areas, heritage assets and the historic environment for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014) .

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