



Planning Committee C

Report title:

7 WALLER ROAD, LONDON, SE14 5LE

Date: 2nd December 2021

Key decision: No.

Class: Part 1

Ward(s) affected: Telegraph Hill

Contributors: Thomas Simnett

Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision as an objection from a society was received.

Application details

Application reference number(s): DC/21/119485

Application Date: 7 December 2020

Applicant: Town Planning Bureau Agent on behalf of Applicant

Proposal: The reconfiguration and change of use of 7 Waller Road, SE14 to provide three self-contained flats, together with the construction of a single storey extension to the rear elevation, a dormer extension to the rear roofslope, one rooflights in the front roofslope, replacement front elevation windows, replacement roof slate, bin and cycle storage and associated hard and soft landscaping to the front elevation.

Background Papers: (1) Submission drawings
(2) Submission technical reports and documents
(3) Internal consultee responses

Designation: PTAL 6
Air Quality

Screening: n/a

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is located on the east side of Waller Road, near to the junction with Queen's Road. It is occupied by a two storey with basement Victorian single family mid-terrace dwellinghouse built of London stock brick with a canted bay featuring uPVC top hung casement windows topped with a turret to the right of the front door.
- 2 The rear of the property is visible from Rutts Terrace, a housing estate road that services Myrtle House off Erlanger Road. The property benefits from a long rear garden and features a three-storey rear outrigger.
- 3 The site is currently in mixed use as a House of Multiple Occupation (HMO) comprised of five bedsits and two self-contained one-bedroom flats.

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Figure 1 – Site location Plan



Character of area

- 4 The properties along this street are typical of the Victorian era and are mostly comprised of long terraces of two storey plus basement dwellings, some of which have been split into flats. There is also a block of flats, Sydney House, and a primary school opposite Sherwin Road.

Heritage/archaeology

- 5 The property is located within the Telegraph Hill Conservation Area, the building nor any of the buildings in the vicinity are listed at local or national level, but it is subject to an Article 4(2) Direction.

Surrounding area

- 6 The application property is approximately 0.2 mi from New Cross Road which provides various shops, other facilities and services.

Local environment

- 7 It is also within an Air Quality Management Area.

Transport

- 8 The site has a Public Transport Accessibility Level (PTAL) score of 6a on a scale of 1-6b, 1 being lowest and 6b the highest. The application site is approximately 0.4 mi from New Cross Gate train station.

2 RELEVANT PLANNING HISTORY

- 9 **DC/18/110123:** The reconfiguration of 7 Waller Road, SE14 to provide three self-contained flats, together with the construction of a single storey rear extension, a

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mansard-style roof extension incorporating a Juliet balcony to the rear roofslope and two rooflights to the front roofslope. **Refused** on 14 June 2019 (and subsequently dismissed at appeal) for the following reasons:

- ***The proposed rear roof extension, by reason of its scale, bulk and design, would be an incongruous, visually intrusive form of development that would fail to respect the architectural integrity and form of the original roof, being harmful to the character and appearance of the host building and the wider Telegraph Hill Conservation Area,***
- ***The overall standard of accommodation, by reason of the failure to provide private external amenity space for Flat 3, would fail to represent an acceptable standard of residential accommodation***

10 The above decision was dismissed at appeal on 10 December 2019. The Inspector found:

- ***“...the roof extension would harm the appearance of the property. Subsequently, it would detract from the heritage significance of the conservation area which lies in part with the form, scale, materials and detailing of its buildings.”***
- ***“...no private open space would be provided in association this flat [Flat 3]. The SPG does allow for the provision of additional internal floor area in compensation, however this would not be provided, as the flat only meets the minimum floor space requirement of 50sqm... ...The appeal proposal would therefore result in cramped accommodation which would not be the high-quality housing that the SPG and policy plan for. Consequently, the flat would provide fail to provide suitable living conditions for future occupiers.”***

11 **DC/06/61803:** The alteration and conversion of 7 Waller Road SE14 to provide 2 one bedroom and 1 three bedroom self-contained maisonettes, together with the installation of replacement timber framed sash windows – **Granted 12 June 2006.**

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

12 The current application is for the alteration and conversion of the large HMO to provide two 2-bed, 3-person flats and one 1-bed, 2-person flat.

13 Flat 1 would be a two-bedroom unit which would be arranged over the lower and upper ground floors and would be accessed via the existing door in the lower ground floor bay. Flat 2 would be arranged over the upper ground floor and first floor and would be accessed by the main entrance at ground floor level. Flat 3 would be arranged over the first and second floors and would be accessed by the main entrance at ground floor level. Both entrances would be accessed from Waller Road.

14 To facilitate the conversion a rear roof extension and single storey rear extension are proposed. The roof extension would measure 2.0m deep x 1.2m high x 1.8m wide and would be clad in lead. The single storey rear extension would measure 4.2m deep x

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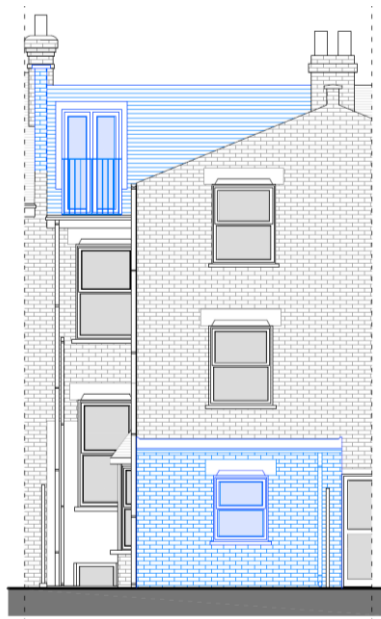
3.8m wide x 2.5m high. The extension would feature stock bricks to match the existing and would have a pitched roof. An amendment was received reducing the number of rooflights to the front from two to one conservation style roof lights; the rooflight would be provided to allow for additional natural light to the new second floor habitable room.

- 15 A number of improvements were sought during the application process to the front elevation to mitigate against the increase in refuse bins; the proposed improvements include replacing the existing uPVC windows with double glazed timber sash windows, planting behind front boundary wall, lower ground floor door replaced with timber alternative, path replaced with traditional Victorian tiles, concrete step to the front replaced with stone, front garden resurfaced with gravel, lightwell repaired and new brick solidier course added, brickwork will be cleaned and repointed, masonry surrounds will be repaired and re-painted, red paint removed from front stairs. The existing poor quality roof tiles will be replaced with natural slate tiles throughout.

3.2 COMPARISON WITH PREVIOUS SCHEME

- 16 The key difference compared to the refused application DC/18/110123 is that the large over dominant rear dormer/roof extension has been removed and replaced with a smaller dormer window. The amenity issue will be resolved by providing access to a communal garden, while there are slight privacy problems the ground floor flat in terms of other residents walking past their windows this has been mitigated by using obscure glazing, see Figures 2 and 3 below for comparison.

Figure 2 – Rear Elevation of refused scheme (DC/18/110123)

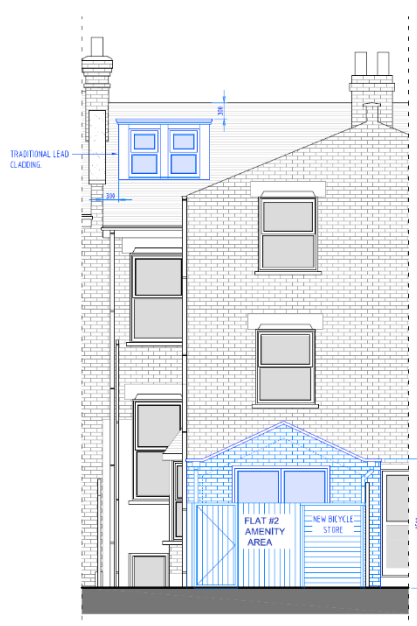


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Figure 3 – Proposed Rear Elevation (Current Scheme)



17 Further changes include a deeper single-storey rear extension which allows for the reconfiguration of the units to ensure it meets the London Plan standards.

4 CONSULTATION

4.1 APPLICATION PUBLICITY

18 Site notices were displayed on 07 October 2021 and a press notice was published on 30 December 2020.

19 Letters were sent to residents and business in the surrounding area on 22 December 2020 and the relevant ward Councillors and Telegraph Hill Society were notified on 21 December 2020.

20 Telegraph Hill Society: raised objections.

Table 1: Issues raised by amenity society

Material Planning Consideration	Details
<i>Principle of Development</i>	
Loss of HMO accommodation	See paras 44 to 48
<i>Housing</i>	
Standard of accommodation is poor	See paras 56 to 60
<i>Urban design</i>	
Front rooflights are inappropriate	See para 82 and 83

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Rear dormer would impact on conservation area and group of terraces	See paras 76 to 79
Lack of window details – wrong glazing pattern and no indication of form detail	See para 80 and 81
<i>Transport</i>	
Bin storage inappropriate location	See para 106 and 107

21 Comments were received that also considered non-material with regards to the drawings showing stretcher bond to the proposed extension which is inappropriate for a property of this age. An informative will be added to advise the applicant that Flemish bond should be used instead.

4.2 INTERNAL CONSULTATION

22 The following internal consultees were notified on 21 December 2021.

23 Highways: no comments were received.

24 Conservation: not consulted as the type of proposal does not require their comments.

5 POLICY CONTEXT

5.1 LEGISLATION

25 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).

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

5.2 MATERIAL CONSIDERATIONS

27 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.

28 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.

29 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.

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5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

30 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)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

31 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

32 London Plan SPG/SPD:

- Housing (March 2016)

5.6 OTHER MATERIAL DOCUMENTS

- Telegraph Hill Conservation Area Character Appraisal

6 PLANNING CONSIDERATIONS

33 The main issues are:

- Principle of Development
- Housing
- Urban Design
- Transport
- Impact on Adjoining Properties

6.1 PRINCIPLE OF DEVELOPMENT

General policy

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- 34 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.
- 35 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.
- 36 Lewisham is defined as an Inner London borough in the London Plan, which 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.

Policy

- 37 National, regional and local planning policies all indicate that development should aim to make the most effective use of land. Indeed, the London Plan makes housing a priority.
- 38 The current London Plan outlines through Policy H1 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sized and tenures in accordance with Local Development Frameworks. Residential developments should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment.
- 39 LPP H2 states that boroughs should increase the contribution of small sites (below 0.25 hectares) to meeting London's housing needs and sets a ten-year target for Lewisham of 3,790 new homes.
- 40 The Core Strategy (CSP) recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan (LPP) at Policy H1 increases Lewisham's ten-year (2019/20 - 2028/29) housing target at 16,670, or 1,667 as an annualised average. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need.
- 41 CSP SP 1 defines the location of the site as within an Area of Stability and Managed Change (ASMC) and thus CSP SP 5 is relevant to this site. This states that the ASMC will deliver approximately 2,590 additional new homes over the period of the Core Strategy (2011-2026). This accounts for approximately 14% of the borough's requirement in order to meet local housing need. This will be achieved by making the best use of previously developed land in the borough through infill development provided that it is designed to complement the character of surrounding developments, the design and layout make for suitable residential accommodation, and it provides for garden and amenity space.
- 42 DMP 3 states that the Council will refuse planning permission for the conversion of a single-family house into flats except where environmental conditions mean that the single-family house is not suitable for family accommodation.
- 43 DMP 6 states that the council will resist the loss of good quality Houses in Multiple Occupation.

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Discussion

- 44 Housing is a priority issue for all London boroughs and the Core Strategy welcomes the provision of additional housing. Development Management Policy 3 refers to the conversion of single-family dwellings, but as this property is currently arranged and established as a 9-unit House of Multiple Occupation (HMO), the policy does not apply.
- 45 DMP 6 is directly applicable to this case and states that the Council will resist the loss of good quality HMOs. The supporting text to the policy at paragraph 2.39 states that it is important that the standard of HMO accommodation is of a good quality, this means that sufficient internal space in accordance with the standards outlined in DM Policy 32 (Housing design, layout and space standards), provision of amenity space for the occupants, and no significant adverse amenity impacts to the adjacent and/or surrounding residential neighbourhood.
- 46 The existing HMO is considered to be of poor quality that provides a sub-standard level of accommodation for residents, the layout is not conducive to its use as an HMO. The lower ground floor rooms have a ceiling height of 2.0m, which is below the required height of 2.5m as set out in the London Plan.
- 47 The proposed development would result in three dwellings that have a good standard of accommodation with an improved internal layout that would result in three high quality dwellings.
- 48 The proposed development would result in the net addition of two residential units, which would make a modest contribution to local housing targets. This is a planning merit that would carry weight within the overall planning balance. However, that weight is limited by the modest scale of development and size of the units.

6.1.1 Principle of development conclusions

- 49 In light of the above, Officers consider the loss of the HMO to be acceptable given it is not considered to be of a good quality as set out in DM Policy 6. The proposed dwellings would all have a good standard of accommodation and access to external amenity space. While the two additional residential units would be modest in scale it would contribute towards local housing targets and is therefore a planning merit.

6.2 HOUSING

- 50 This section covers the standard of accommodation.

6.2.1 Residential Quality

General Policy

- 51 NPPF para 130 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. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).
- 52 LPP D6 requires new homes to meet specific space and other standards. In addition, DMP 32 requires all new residential developments to provide accommodation of a good

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size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy.

- 53 The main components of residential quality are: (i) internal and external space standards; (ii) outlook and privacy and overheating; (iii) daylight and sunlight.

Internal and external space standards

Policy

- 54 LPP D6 seeks to achieve housing development with the highest quality internally and externally in relation to their context. Minimum space standards are set out in Table 3.1 of the London Plan.

- 55 The Technical Housing Standards (2015), Mayors Housing Supplementary Planning Guidance (SPG), London Plan Policy D6 and DM Policy 32 set out or make reference to the minimum space standards required for amenity space to achieve housing development that provides the highest quality of space externally in relation to its context. Standard 4.10.1 of the Mayor’s Housing SPG states that ‘a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant’.

Discussion

- 56 The table below sets out proposed dwelling sizes.

Table 2: Internal space standards – proposed v target

Unit	No of bedrooms	No. of persons	2 storey dwelling proposed (target) m ²	Bedroom size proposed (target) m ²	Bedroom size proposed (target) m ²	Amenity space proposed (target) m ²	Built-in storage proposed (target) m ²
1	2b	3p	70 (70)	13 (11.5)	11 (7.5)	0 (6)	2.25 (2)
2	1b	2p	62 (58)	22 (11.5)	n/a	15.5 (5)	1.8 (1.5)
3	2b	3p	72 (70)	17.5 (11.5)	11(7.5)	0 (6)	9.8 (2)

- 57 The proposed units would meet the requirements of LPP D6 in terms of total floor space.

- 58 The proposal would also meet the requirements of LPP D6 in terms of the size of bedrooms with the double bedrooms of all three units above the minimum requirement. The bedrooms would also be policy compliant in terms of the width of the rooms. The floor to ceiling height of the dwellings would be 2.5m in accordance with DMP 32 and LPP D6, while the storage would also comply.

- 59 Although there had been concerns raised by objections to the proposals in terms of the standard of accommodation, two of the proposed flats have a greater GIA than the requirements of LPP D6 and one has the policy required amount, Officers therefore consider the standard of accommodation to be acceptable.

- 60 DM Policy 32 requires all new dwellings to be provided with a readily accessible, secure, private and usable external space and include space suitable for children's play. Given that the proposed units would be derived from the conversion of an existing building,

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officers are satisfied that the provision of private amenity space for all units would be impractical. Flat 2 would have its own private amenity space that is three times the minimum requirement, whilst Flat 1 and 3 would have a shared amenity space that measures 76sqm which would offset any failure to provide private amenity space.

6.2.2 Housing conclusion

61 Overall, the proposed development would provide a good standard of residential accommodation in compliance with LPP D6 and DMP.

6.3 URBAN DESIGN AND IMPACT ON HERITAGE ASSET

General Policy

62 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

63 LPP D3 expects the highest quality materials and design appropriate to context.

64 Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.

Policy

65 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.

66 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.

67 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.

68 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.

69 DMLP 30 - Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Lewisham Core Strategy and Lewisham DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. DM Policy 33 seek to protect and enhance the Borough's character and street frontages through appropriate and high-quality design.

70 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

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Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

71 Further guidance is given in Telegraph Hill Conservation Area Character Appraisal.

Discussion

Single storey rear extension

72 The extension would extend 4.2m from the outrigger rear elevation of the host property and across the full width. The entirety would be within the curtilage of the subject site and contained to the rear. It would have a height along the boundary with No. 5 of 2.5m. Officers raise no concerns with the height of the proposed extension in terms of design.

73 Officers consider the proposed extension to be of a modest scale and is sensitively designed not to obscure the windows at the first-floor level and remains subservient to the host building.

74 The extension would be built using yellow brick which matches the host building, whilst the pitched roof will be finished with natural slate. The glazing system, rooflights and box guttering would all match the existing materials in the host property. The materials are considered good quality and would complement the existing character of the building.

75 The proposed extension would comply with the relevant guidance in terms of its scale, siting and the use of materials to match existing, would result in a modest, and inoffensive scale and design, appropriate for the application building and its setting.

Dormer window

76 Although the amenity society commented that the proposed dormer window would be inappropriate due to no other dormer windows in this terraces roofscape, Officers consider given the very limited public viewpoints of the rear elevation of the host property it would not give rise to harm to the conservation area. In reaching this conclusion Officers have regard to the Inspector's decision letter (20 December 2019) which did not raise an issue with the principle of a dormer window, instead finding that the specific dormer proposed was harmful.

77 The proposed dormer window is significantly smaller than that dismissed at appeal. It would be sufficiently set in from the party walls, set up from the eaves and set down from the ridge. The dormer windows would be centrally located within the roofscape and clad in lead.

78 The fenestration pattern shows a clear hierarchy between the different levels, a condition is recommended to ensure that further details of the windows are provided including 1:20 detailed drawings and vertical and horizontal section drawings.

79 Given the above, the proposal is considered to be a subordinate addition that would be of traditional form and would relate sensitively to the host building and the wider conservation area. It is noted that the proposal is in accordance with the requirements of the Alterations and Extensions SPD.

Front elevation alterations

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- 80 In principle the replacement timber sash windows that would replace the uPVC windows in the front elevation is acceptable given it would reinstate a material and style of window that is more in keeping with the conservation area.
- 81 However, comments were received by the amenity society that the proposed glazing pattern to the replacements were incorrect and no indication of window horn was provided. Officers recommend a condition to ensure further details on glazing pattern, horn detail and section drawings of the proposed windows are supplied for approval.
- 82 Even though the amenity society objected to the front rooflights as the current terrace of houses of which 7 Waller Road is one has no front roof lights, there are other examples of conservation style rooflights to the front roofscape of Waller Road.
- 83 The two rooflights are excessive and not the 'minimum necessary' as required in the Alterations and Extensions SPD. They would unduly clutter the roofscape of this house and the wider group. The local precedent would be for one rooflight above the entrance door. Officers requested amendments to remove one of the rooflights which is now considered acceptable.
- 84 In light of the increase in refuse and recycling bins to the front garden the applicant has proposed a number improvements to the front elevation and roof that Officers consider would improve the character of the host property and conservation area.
- 85 The proposed replacement roofing material with natural slate is considered an improvement on the existing roofing material, this improvement is subject to further details which would be secured by way of condition to ensure the slate tiles are an appropriate choice.
- 86 It is also proposed that the lower ground floor flat door would be replaced with a timber alternative that is more in keeping with the conservation area. Officers consider this to be acceptable subject to further details on design and materials.
- 87 The concrete step that abuts the pavement would also be removed and replaced with a traditional stone step. The existing stairs to the front of the property are painted a red colour. The applicant proposes that this is stripped off to reveal the natural stone underneath. The poor quality blue metal step balustrade would be replaced with a traditional metal rail painted black, further details would be secured by way of condition to ensure that it is appropriate for the conservation area. Officers consider these improvements to be acceptable and are welcomed.
- 88 The applicant proposes that the brickwork would also be cleaned and repointed as part of the overall scheme of works to the property, Officers consider this to be acceptable.
- 89 The front garden would also be resurfaced using gravel, replacing the existing concrete hardstanding, Officers not only consider this to be an improvement in terms of urban design but would also be a sustainable urban drainage benefit. The existing non-original red and black tiles would be removed and replaced with a black and white traditional Victorian path leading to the front of the property. Further details would also be secured by way of condition to ensure suitability with the conservation area.
- 90 The applicant also proposes the masonry window surrounds would be repaired and repainted, together with repairs to the front light well which a new brick soldier course would be added.

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91 Additional improvements are planned such as the painting of the front door, removal of the gas meter box and cabling to the front elevation that do not require planning permission which together with the other alterations would improve the appearance of the front elevation and offset the harm caused by the refuse bins. Overall, Officers consider these improvements to be acceptable in principle but further details are required to ensure they match the design and quality expected for a property located in a conservation area. These conditions would be worded so that these improvements are implemented prior to the first occupancy of the development.

Summary

92 There would be limited public viewpoints of the proposed works to the rear of the property and as such Officers consider that the current proposal would lead to no harm to the Telegraph Hill Conservation Area. The proposed front elevation improvements elevation would help to enhance the appearance of the host property and conservation area and offset the harm caused by the increase in refuse bins to the front of the property.

93 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 improve the character or appearance of Telegraph Conservation Area.

6.3.1 Urban design conclusion

94 The proposed building and extension are considered compliant with the design principles articulated within DMPs 30 and 31 by virtue of the subservient scale and massing and combination of historically appropriate and high-quality contemporary design features. A condition is recommended securing the windows and detailed drawings for the dormer window, together with details on materials and balustrade.

6.4 TRANSPORT IMPACT

General policy

95 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

96 Para 109 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

97 Regionally, the Mayor’s Transport Strategy (‘the MTS’, GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.

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- 98 Policy T1 of the London Plan (2021) sets out the Mayor's strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.
- 99 Core Strategy Policy 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

6.4.1 Local Transport Network

Policy

- 100 The NPPF at paragraph 102 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

Discussion

- 101 The application site is located within a highly accessible area within walking distance of 24 hour bus and train services. This is reflected in the PTAL rating of 6a, which is the second highest. Therefore, Officers are satisfied that the addition of two further residential units could be absorbed within the existing transport network

6.4.2 Servicing and refuse

Policy

- 102 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.
- 103 CSP13 sets out the Council's waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.
- 104 DMLP 29 requires new development to have no negative impact upon the safety and suitability of access and servicing.
- 105 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23.

Discussion

- 106 A refuse store for the development would be provided in the front garden providing storage space for refuse, food waste and recycling bins. No further details were submitted with the application to ensure that the storage facilities for waste and recycling containers meets at least BS5906:2005 standard. In light of this, Officers consider it reasonable to secure the proposed details by condition.
- 107 An objection was raised by the amenity society with regards to the placement of bins to the front garden in such a way that it would block the architecture of the lower ground

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floor windows. The existing situation is one where bins are stored in the front garden. This application proposes the same arrangement, but with a new hedge to be planted behind the existing and retained low front boundary wall. This would afford more screening of the bins, which is considered an improvement on the existing situation. Officers note the conversion to three flats would increase the number of bins from 3 to a minimum of six wheelie bins and three food waste bins. Although there appears to be sufficient space to accommodate that number of bins in the revised layout, Officers are concerned about the visual harm to the streetscape resulting from the increase in bins.

- 108 Officers have sought improvements to the front elevation which were detailed in paragraph 15 that would mitigate and offset the harm caused by the bins. Therefore, Officers on balance consider the proposed refuse arrangements to be satisfactory subject to further details and if the improvements to the front elevation are implemented prior to first occupancy. This will be secured by way of condition.

6.4.3 Transport modes

Cycling

Policy

- 109 Development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring area. Development should create places that are safe, secure and attractive, minimising the scope for conflicts between pedestrians, cyclists and vehicles

- 110 Cycle storage space should be provided in accordance with LPP T5, table 10.2 and London Cycle Design Standards. Developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards.

Discussion

- 111 Each unit would be provided with cycle storage for two bikes in the shared garden to the rear in accordance with the requirements of Table 10.2 of the London Plan. A condition is recommended to ensure that the store is secured and provided prior to occupation.

Private cars

Policy

- 112 LPP T6 supported by CSP 14 and DMP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Table 10.3 of the London Plan sets the maximum car parking standards for residential developments.

Discussion

- 113 The proposal does not include any off-street parking, which is supported given the high PTAL rating. There is not CPZ in operation on Waller Road and therefore it is not possible to restrict cars from being parked in the surrounding area. The proposed development would result in no increase in the amount of occupiers to that currently existing. As such, officers consider that the change in the dwelling mix would not give rise to any significant highways impacts, in terms of parking given that the proposed tenure make up would likely result in less car users being on site.

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6.4.4 Transport impact conclusion

114 In summary, the proposed development is considered to have an acceptable impact on the surrounding highway and transport network subject to the imposition of the conditions recommended above.

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

115 NPPF para 130 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. This is reflected in relevant policies of the London Plan, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2016, GLA; Alterations and Extensions SPD 2019, LBL).

116 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).

117 The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly.

118 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.

Discussion

119 The proposal involves the construction of a single storey extension to the rear which would abut the boundary with 5 Waller Road. The relatively modest 4.2m depth combined with the 2.5m height would mitigate any significant impact to living conditions at no.5. The extension would be set in sufficiently from the boundary with 9 Waller Road preventing any adverse impacts on living conditions.

120 The proposed dormer would not worsen existing overlooking of surrounding properties given that there is existing overlooking from the windows on the first floor. Outlook from the rooflights would be to the sky, away from the neighbouring properties. Therefore, it is considered that the proposal would not result in loss of privacy. The rear dormer is not considered to have a significant impact on the amenity of the adjoining properties given its siting within the footprint of the building.

121 The amenity society raised objections in terms of privacy as when the residents of Flat 1 and 3 use the communal garden area and/or cycle stores they would have to walk past the windows to the ground floor outrigger which forms part of Flat 2. Officer's note that the plans show these side elevation windows of Flat 2 would be obscured, a condition is recommended to ensure these windows remain obscure up to 1.7m from the floor.

122 Officers raise no objections on the grounds of noise and disturbance from the change of use given that the amount of occupiers proposed would remain the same, and the building would retain its domestic use.

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6.5.1 Impact on neighbours conclusion

123 Therefore, the application is deemed to be acceptable in terms of residential amenity and compliant with DM Policy 31.

7 LOCAL FINANCE CONSIDERATIONS

124 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).

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

126 The CIL is therefore a material consideration.

127 This application does not attract CIL.

8 EQUALITIES CONSIDERATIONS

128 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.

129 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.

130 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.

131 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

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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>

- 132 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
- 133 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>
- 134 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 /minimal impact on equality.

9 HUMAN RIGHTS IMPLICATIONS

- 135 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
- 136 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.
- 137 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.

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138 This application has the legitimate aim of providing a new building with residential uses. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

140 The proposed loss of HMO accommodation is considered acceptable given the application property is located within in an Area of Stability of Managed Change in accordance with DM Policy 6. The proposal would also result in the addition of two residential units, which would make a modest contribution to local housing targets.

141 On balance the standard of accommodation is acceptable given that the proposed units would be above the standards as set out in LPP D6 and there would be shared amenity space also.

142 The proposed alterations to the front elevation would enhance the host property and conservation area, whilst the single storey rear extension is subordinate in scale and constructed out of materials to match the existing. Officers consider it to be acceptable and would have an acceptable impact on neighbouring amenity. The dormer window is considered acceptable and its impact on the conservation area would be limited due to limited public viewpoints.

143 The proposal would provide adequate bin and cycle store subject to conditions.

11 RECOMMENDATION

144 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 PLANS**

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

Sustainability Statement; Heritage, Planning, Design and Access Statement; Site Location Plan; Block Plan; E.001; E.002; E.011 (Received 07 December 2020) URB-488-FN1; P.320 REV A (Received 04 November 2021) D.301 REV D; D.302 REV E; P.301 REV H; P.302 REV; P.311 REV J (Received 08 November 2021)

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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) **EXTERNAL FACING MATERIALS AND FINISHES**

(a) A detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following, shall be submitted to and approved in writing by the Council prior to the commencement of works:

i) external facing materials and finishes;

ii) balustrade;

iii) roof coverings;

(b) The relevant part of the works shall then be carried in accordance with the approved details prior to 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 Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management.

4) **OBSCURE GLAZING**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the side elevation of the ground outrigger projection hereby approved shall be fitted as obscure glazed to a minimum of Level 3 on the 'Pilkington Scale' up to 1.7m from ground level and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

5) **REFUSE AND RECYCLING**

a) Notwithstanding the submitted plans, no development (**above ground level**) shall commence until details of refuse and recycling facilities including food waste bin been submitted to and approved in writing by the local planning authority.

b) The facilities as approved under part (a) of this condition shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban

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design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

6) **CYCLE STORAGE**

- a) Notwithstanding the submitted plans, no development (**above ground level**) shall commence until detail of the cycle parking facilities that are safe, covered and shall be submitted to and approved in writing by the local planning authority.
- b) The cycle parking facilities approved under part (a) of this condition shall be provided in full and made available for use prior to occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021), Policy 14: Sustainable movement and transport of the Core Strategy (2011) and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

7) **SOFT LANDSCAPING**

- (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

8) **DORMER ARCHITECTURAL DETAILS**

- (a) Notwithstanding the details hereby approved, no development **prior to completion of the dormer window superstructure** shall commence until detailed elevation drawing of the dormer window showing the materials, glazing and opening pattern of the window at a scale 1:20 and detailed drawings (to a scale of 1:5) of the details (frames and glazing bars), in particular a horizontal section and vertical sections have been submitted to and approved in writing by the local planning authority
- (b) The development shall be carried out in accordance with the approved details.

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Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 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.

9) **WINDOW ARCHITECTURAL DETAILS**

- (a) Notwithstanding the details hereby approved, no development **prior to completion of the superstructure** shall commence until detailed elevation drawing of the proposed window replacements showing the horn, glazing and opening pattern of the window at a scale 1:20 and detailed drawings (to a scale of 1:5) of the details (frames and glazing bars), in particular a horizontal section and vertical sections have been submitted to and approved in writing by the local planning authority
- (b) All replacement window works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 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.

10) **HARD LANDSCAPING**

- (a) Prior to **above ground works** drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies SI 12 Flood risk management in the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

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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.
- 2) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- 3) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site
- 4) The applicant is advised that the existing bonding is Flemish Bond and any new development should match this where possible.

12 REPORT AUTHOR AND CONTACT

145 Thomas Simnett; Thomas.simnett@lewisham.gov.uk; 020 8314 6284

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