

# MINUTES OF THE PLANNING COMMITTEE B

Tuesday 14 September 2021 at 7.30pm

Present: Councillor Clarke (Chair) Councillors Jacq Paschoud, Lavery, Muldoon and Openshaw

Present remotely: Councillor Johnston-Franklin and Councillor Mallory

Apologies: Councillor Penfold, Councillor Gallagher, Councillor Anwar

## 1. Minutes

The minutes of the last meeting were agreed as an accurate record.

## 2. Declarations of Interest

Councillor Muldoon was lobbied by friends of Honor Oak regarding Item 3.

## 3. 97 Honor Oak Park, SE23 DC/19/111021

The Planning Officer presented this application. This application was submitted under Section 73a of the Town and Country Planning Act 1990 for a Minor Material Amendment to allow for an amendment of Condition (2) relating to the construction of 2, two-storey, two bedroom houses at the rear of 97 Honor Oak Park, SE23. The application had received 8 objections.

The proposed amendment was to allow siting of House B closer to the western boundary; repositioning of two dormers to 'House A'; the addition of front door canopies; insertion of a ground floor flank window to 'House A'; formation of circular opening at first floor; installation of automated sliding gate to the rear; erection of fence between new dwellings and main building; resiting of parking bays; relocation of bin store and cycle store; and additional paving measures. The houses were unoccupied at this time.

The committee report of 2011 advised that the footprint of both house would be the same- 9.3m in length and 5.2m in width. In comparison, the house A footprint had been measured as 9.4m in length and 5.4m wide. House B measured at 9.57m in length and 5.4m wide, both houses being larger than the approved measurements. The houses were also built slightly closer to the boundary.

The key planning considerations are the design and appearance of works undertaken, and those proposed; whether the works represent a significant change from the approved scheme; residential amenity; standard of accommodation; landscaping proposals.

The development was considered to be acceptable in its merits. The changes to the construction are not considered significantly different to those proposed. Therefore it

was recommended by officers to grant permission, subject to the appropriate planning conditions.

Councillor Paschoud asked about the previous appeal of this application. The planning officer clarified that the application went to Committee in 2011 with the recommendation to approve. It was refused for design and scale reasons. The applicants appealed and the appeal was upheld in 201 with conditions attached to the planning consent.

The applicant then spoke on the proposed amendments. He stated the following: His parents bought the house as a family home in 1971 as an already dilapidated building with the intention of restoring the Victorian structure back to its original form and enhancing the accommodation. His parents worked hard to restore the home for future generations. The applicant undertook the task of restoring the house and converting it to 6 apartments and building the two new house at the rear of the garden.

The siting of House B is closer to the western boundary because it was discovered that an ancient sewer had been directed across the development, cutting across the proposed position of House B. the decision was taken to move the site of House B a distance away from the sewer but still far enough away from the western boundary so as not to disturb the sewer.

The dormer windows on the ground floor and the flank window of House A are positioned exactly as they were in the original but refused planning application as discussed by the Committee in 2011. The architect at the time was sick so this may have affected the slight changes in outcomes. In the 2011 report, the planning officer stated that both dwellings would be positioned so as not to compromise the privacy of the neighbouring residents. The proposed dormers would also be positioned to not overlook neighbouring occupiers.

When asked why the houses' footprints were larger than intended, the applicant said he was not sure and was not made aware at the time and assumed that the footprints were created as agreed.

The objector then spoke on the application. The following was discussed in his objection:

He disputed the fact that the reports description of "minor" material amendment was not. The houses originally designed were described as modest in nature but what was built was at least 25% larger than what was initially proposed and permitted, along with many other unpermitted changes. There were 3 grounds for refusal that the objector said members should consider: procedural impropriety, application of planning law and each change in the application. On these grounds, the objector stated that the application has failed and should therefore be refused. He also stated that the condition being considered, regarding the frosted film being placed on the windows for privacy, is easily removed. He suggested that the condition should be that frosted glass is used instead as a more permanent option.

The Chair asked the Presiding Planning Officer for clarification on the access agreements outlined in the reports. The Officer stated that the issue of land ownership is not material to the planning decision so to his knowledge there is no

reason to why Members could not grant planning permission whether or not the Council does have an interest in the land adjoining- it would not be relevant to Members.

The Chair also asked for clarification on the objectors claims that the building was 25% bigger than the permitted plan. The Officer stated that during the course of the application which did go on for years, there were many amendments to the plans. The committee report from 2011 stated the footprint size of both houses and the dimensions mentioned earlier in the officer's presentation are accurate to the officer's knowledge.

Councillor Muldoon, referring to the objector's allegations of improper application of planning law, stated that the Committee is not empowered to interpret law but rather rely on the legal advice given. The Presiding Officer stated that the comments from the objector were put to the legal team who confirmed it is acceptable for the local planning authority to vary the amendments to the plans via section 73 or section 73(a) of the Town and Country Planning Act 1990.

The Presiding Officer also stated that the applicant building outside of compliance has done that at their own risk, and while it is not good or encouraged practice to build an unauthorised development, it is for the consideration for the Council to enforce, if they think that the variations are harmful. He advised that Members make a planning judgement, not considering what the intention was, but what had been built on the site along with the additional changes (both retrospective and proposed) and whether they are suitable on planning terms and whether they conform with the development plan.

Councillor Muldoon moved the motion to approve the application. The Committee added the condition that the glass window discussed be frosted/obscured in place of the film.

A vote was taken and the Committee voted in favour of the application.

#### **4. Inglemere Domus, 27 Inglemere Road, SE23 2BB (A) DC/20/117864**

The Planning Officer presented the report for this application. The planning application was for the demolition of the existing building and the construction of a part-3 and part-4 storey building to accommodate 20 residential units with basement plant room and associated works at Inglemere Domus, 27 Inglemere Road.

There were verbal corrections to the written report as follows: paragraph 11, mention of the 6 parking spaces where 5 are being proposed; paragraph 98 states that Flat 19 is not dual-aspect when in fact it is.

The officer stated that the application site is not in the conservation area, nor is it in close proximity to a listed building, it is within a PTAL 3 area and the surrounding area is residential in character. The building was last used in 2015 as a residential care home. The applicant successfully demonstrated that a care home is no longer needed at the site. The materials and design of the proposed development had been considered high quality. Parking, bin storage and a communal garden to the rear had

been included in the site plans. The proposed development had been set to exceed the floor space according to London Plan minimum standards. The application followed the viability tested route and will deliver 3 units for London affordable rent, which will be secured by section 106. 2 wheelchair accessible unit were also proposed.

The key material planning considerations were as follows: principle of development (loss of care home and provision of residential accommodation); affordable housing; urban design (scale and massing); impact on neighbour amenity; transport and Highway (car parking, refuse, construction); sustainability. Planning officers consider all of these justified.

Permission was recommended subject to conditions and the section 106 agreement.

Councillor Lavery asked for context as to why only 3 of 20 of the properties were under London affordable rent. The officer stated that initially, no affordable housing was proposed and the applicants liability assessment was reviewed by a third party viability consultant and it was indicated that a nominal quantity of affordable housing was deliverable, so negotiations took place. This resulted in the above affordable housing proposal. It was felt that this was the maximum that can be achieved through the viability route.

Councillor Johnston-Franklin stated that the spaces which are for affordable rent, are not suitable for families and why it wasn't considered that one of the larger units be used for affordable rent. She also raised concern about the potential lack of light in flat 3 which has been made accessible for a wheelchair user. The Presiding Officer stated that a judgement had to be made for affordable housing as choosing one of the larger properties for this would result in fewer units being rented out affordably, potentially just 1. Regarding the sunlight levels, it was said that flat falls marginally below the 2% recommendation- all of the other flats meet or exceed the percentage. This is because Flat 3 is mostly north-facing. It is not considered to be significantly below the recommendation to warrant a reason for refusal.

The agent, on behalf of the applicant, then gave her presentation. She discussed that following:

The building had been vacant since 2015 after the NHS concluded that it was no longer needed to accommodate the required services for modern day elderly care. The proposed development had responded to the advice of officers and represented the effective and efficient use of the sustainable site. The development would provide 20 much needed houses in the borough. At the request of officers, the property provides a genuine mix of different homes in size and affordability. They are all space standard compliant. Neighbouring amenity has been protected by policy compliant separation distances between buildings. The application is accompanied by a comprehensive package of technical information as agreed at the pre-application stage. These have been reviewed and accepted. The committee report outlined that the merits of the development substantially outweigh any harm that may be identified. Furthermore, no objections were received from any internal or external statutory consultees. On the basis of these points, the proposed development is considered to be in line with national planning policy guidance and the development plan policies.

As the objector was unable to attend the meeting, the planning officer read out the objector statement which highlighted the following:

The objector was concerned that proposed development will overlook her garden because of the multiple balconies. She stated that she uses her garden a lot as she is often at home with her child who has a disability- she felt the change would impact her quality of life as there would be a lack of privacy and a direct view into her home and garden.

The Chair asked for clarity on this overlooking and the views from the balconies. The officer said that the rear elevation of the proposed building is approximately 9 metres from the shared boundary. The properties on Acorn Way have rear gardens of around 11-12 metres in length. Officers are happy that there would be a sufficient amount of space between the two properties. The balconies to the rear are on the 4 storey element. The balconies are approximately 1.5m deep and there is a slight reduction in space between the edge of the balcony and the rear of the properties in Acorn Way. It is considered sufficient. There are also large mature trees on the boundary which are not proposed to be uprooted which provide privacy.

Councillor Paschoud moved the motion to approve the recommendation to approve the application as outlined in the report.

The Committee voted in favour of the application.

#### **5. 4 Lind Street DC/20/119652**

The Planning Officer outlined the following in his presentation:

The application was considered for the construction of a mansard extension to the roof of 4 Lind Street, SE8, together with the construction of single storey extension to the rear elevation, the installation of replacement timber windows in the front elevation and the insertion of new windows in the flank elevation.

Three other addresses on Lind Street have had the construction of mansard extensions to their roofs. 140-146 and 158 of Albyn Road at the end of Lind Street all have a higher mansard extension to the roof. Officers are satisfied that the extension will not cause any harm to the character and appearance of the conservation area given that mansards already form part of the street and would be fully compliant with the design scheme. Officers are also satisfied that there will be no impact on neighbouring properties. It is therefore the officer recommendation to approve this application subject to the conditions set out in the committee report.

The applicant gave their presentation and raised the following:

The extension will have minimal impact on the neighbourhood as it will be almost completely concealed from the main street. The mansard will be set back at floor level at 250mm which is specified in the recommendations of the SPD. The improvements will provide a better family home while being historically sympathetic in terms of design and in keeping within the established character of the roofscape. Additional benefits to the character of the area include the enhancements resulting from removing the current non-compliant windows and reinstating at the front. The extension will also improve energy efficiency in the house.

A representative from St John's Society also spoke in favour of the application, stating that a mansard roof is an accepted building form and is common across

London. The society deem this extension to conserve the heritage of the building. Such additions will allow for families to stay in the community for schools, work and other social networks. The mansard will be built with high quality materials which substantially improve the environmental quality of the building thus preserving energy and carbon. He added that mansards are already an established extension on Lind Street.

The objector argued the following:

This objection was for both mansards in Lind Street and Bolden Street, which was discussed on the next agenda item. Amenity societies, such as Brookmill, represent the historic memory of conservation areas which is important to consider. The odd number side of Bolden Street still retains the original and distinctive roofscape that is a defining characteristic of the Brookmill Road Conservation Area. A previous application at this same site was refused in 2016 and was dismissed on appeal in 2017. The planning inspector's reasons for upholding are still relevant for both applications.

Officer support in their reports for both applications is primarily argued on existing precedents. Fortunately the vast majority of houses elsewhere in the area, including St John's Vale to Friendly Street, still retain their original architectural integrity, via intact, uninterrupted, unified rooflines and butterfly roofs. These were key factors that contributed to Brookmill Road CA being designated as one of the earliest CAs in Lewisham in 1972. Since the defining characteristic of the Conservation Area is its architectural integrity as exemplified by unified rooflines, we consider that any further spread of roof extensions threatens destruction of the very principles defining the conservation area.

The Presiding Officer stated that Members should only be taking into consideration the material issues of the character of the area, heritage and design.

Councillor Paschoud moved the motion to approve this application.

The Committee voted to approve the application.

## **6. 13 Bolden Street DC/20/120731**

The Planning Officer presented this report.

The application was for construction of a mansard roof extension with two dormer windows to the front roof slope and two windows to the rear at 13 Bolden Street, SE8.

A neighbouring property, number 18, is currently constructing a mansard roof which is almost complete. South-east from Bolden Street is Albyn Road which has a considerable amount of mansard roofs.

The key material considerations were urban design, neighbouring properties and principle of development. Officers felt that these considerations were satisfied, therefore it was the officer recommendation to approve this application.

The applicant for this item gave their presentation. She stated the following: She and her family currently reside at the property. As with growing families, they require the extra space that the extension would provide. In the area, mansard roofs

are a sympathetic solution, while protecting the conservation of the area and providing the family with the room needed. The national planning policy framework, published in July, states that all planning applications should support opportunities to use the air space above existing residential and commercial properties. She furthered that considering all the other mansards built in the area, a precedent has been set.

The objector echoed her points from the last item and stated that there is no policy supporting mansard roofs that requires consideration that the Committee needs for consistency in decision making.

Councillor Lavery proposed that the application be accepted.

The Committee voted in favour of the application.

## **7. 106 Brookbank Road, London SE13 7DA (A) DC/21/121272**

The Planning officer gave their presentation for this application. The application was for the construction of hip to gable and rear dormer extensions to the roof of 106 Brookbank Road, SE13, together with the installation of three roof lights in the front roof slope.

The property is based in a predominantly residential area. It is not a listed building, neither is it located near one.

The key planning considerations are the principle of development, urban design and the impact on living conditions of neighbours, all of which are considered acceptable. The officer recommendation is to approve the application subject to the conditions set out in the report.

There was no applicant for this item.

The objector who wished to speak was experiencing microphone issues so provided some text via the Teams chat summarising her argument. The Presiding Officer summarised her text to the Committee. The following was taken from the transcript of the Teams chat:

- enclosure - extending the brick mass to a gable end will impact the light into my garden and will take early morning sunlight
- there has been no site visit to appreciate from the ground the impact of extending the brick mass up in effect a storey will have

The Planning Officer stated that officers are of the opinion that there is sufficient distance between the application site and the properties on Overcliffe Road which provides mitigation against the loss of light and enclosure. The proposed development is typical of this residential typology.

The Committee voted in favour of the application.

Standing orders were suspended at 10pm.

The meeting concluded at 10.32pm