

GUIDANCE FOR HOUSEHOLDER PLANNING APPLICATIONS: A CONCISE GUIDE FOR RESIDENTS OF THE BLACKHEATH CATOR ESTATE

BLACKHEATH CATOR ESTATE RESIDENTS LTD

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1. INTRODUCTION

This document has been created by Nicholas Taylor + Associates (NTA) on behalf of Blackheath Cator Estate Residents Limited (BCER).

BCER is a non-profit company set up by the residents in 1965, with the responsibility of preserving the unique, quasi-rural character of the Estate. The Estate lies within the Blackheath Park Conservation Area, which falls within the Royal Borough of Greenwich.

NTA are a specialised Town Planning consultancy based near Bond Street Station. The consultancy offers a highly professional service to clients such as property developers, institutions and landowners.

When a planning application is submitted within the Estate, the Council notifies BCER as a local consultee. BCER then pass this information along to NTA, who assess the application and advise BCER on the strengths and weaknesses of the application; if warranted, NTA will submit comments to the Council highlighting certain concerns. NTA have provided these services since 2014.



BLACKHEATH PARK

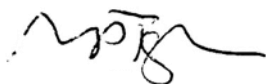
At first glance, the underlying system of Town Planning can appear complex and mercurial. The system encompasses a wide variety of matters including design, residential amenity, heritage conservation, archaeology, trees – the list goes on. These matters are further complicated by adopted and emerging policies at local, London and national level, all of which constitute “material considerations” that must be taken into account by the Council’s planning officers as they assess and determine planning applications. For local residents looking to alter or extend their property within the Estate, submitting an application can become a daunting task.

To respond to the above concerns, this document has been created with the aim of providing residents of the Estate with a “first point of reference” for understanding and navigating the current planning system. The information set out below will provide an overview of the two key policy documents that residents would need to consider, along with information on where they can be found online. The document will also provide general advice on common development proposals in relation to design, amenity and heritage.

It is intended that residents who read this document will have a solid foundation for understanding how they can extend their homes in a neighbourly manner, while respecting the unique, historic character of the Estate.

We hope that this document will serve you well.

Kind Regards,



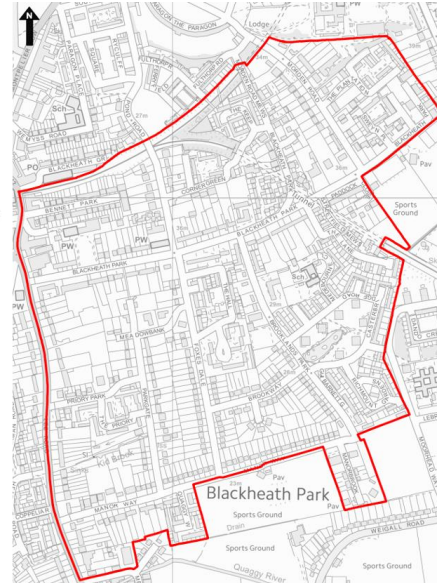
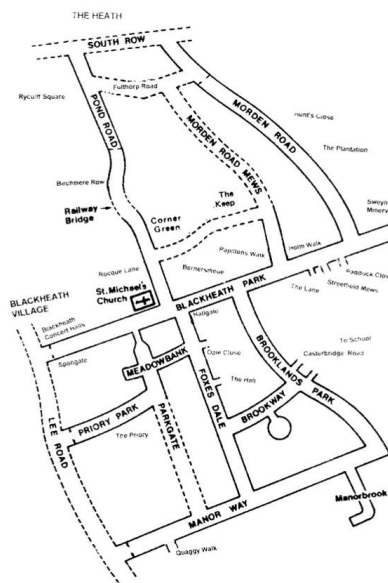
Nicholas Taylor

NICHOLAS TAYLOR + ASSOCIATES

ON BEHALF OF Blackheath Cator Estate Residents Limited

2. BRIEF DESCRIPTION OF THE BLACKHEATH CATOR ESTATE AND BLACKHEATH PARK CONSERVATION AREA

The Estate is situated on the western side of the Royal Borough of Greenwich, on the border with the London Borough of Lewisham. The Estate is responsible for the area which lies south of Blackheath, north of Blackheath Park, east of Lee Road and west of Morden Road and Brooklands Park. This area is broadly aligned with the extent of the Blackheath Park Conservation Area.



LEFT: AREA MANAGED BY BCER
RIGHT: MAP OF BLACKHEATH PARK CONSERVATION AREA

The Estate benefits from a rich architectural heritage, ranging from substantial Georgian and Victorian villas to the post-war Span developments. The significance of the Estate is drawn from the relationship these buildings share with their surrounding environment, which comprises broad, tree-lined avenues that lend the area an almost rural setting. Blackheath Park forms the principal east-west spine of the Estate, with Pond Road, Morden Road, Foxes Dales and Brooklands Park forming the main thoroughfares from north to south.



VARIETY OF ARCHITECTURAL FORM WITHIN THE ESTATE

More information on the character of the Estate and the Blackheath Park Conservation Area can be found in the *Blackheath Park Conservation Area Appraisal* (2013), which can be downloaded from the Council's website at:

https://www.royalgreenwich.gov.uk/downloads/download/567/blackheath_park_conservation_area_appraisal

3. KEY CONSIDERATIONS FOR HOUSEHOLDER PLANNING APPLICATIONS

When assessing planning applications, the Council judges the application based upon documents included within its Local Development Framework (LDF), the London Plan, the National Planning Policy Framework, and any other relevant development plans and policies. For householder applications, the two principal documents to consider are the Core Strategy with Detailed Policies (and the associated Policy Map) and the Residential Extensions, Basements and Conversions Guidance SPD. Both of these documents are examined below:

Core Strategy with Detailed Policies

This document is the key strategic planning document used by the Council. It sets out long-term strategic goals for the Borough up to 2028 in relation to infrastructure, housing delivery, job growth, transport, town centre growth and management and other matters.

In addition to the strategic policy objectives, more specific detailed policies provide householders and developers with guidance on the issues that they will need to consider when preparing their applications. For example, Policy H5 (“Housing Design”) states the following:

“New residential development, redevelopment, refurbishment or conversions will be expected to achieve a high quality of housing design and an integrated environment.”

Policy H5 continues to state that the Council will require “an acceptable level of noise insulation” for development vulnerable to transportation noise and vibration, while flats developments are required to provide some external amenity space.

For residents within the Estate who are looking to alter or extend their properties, the Detailed Policies listed below are most relevant. A brief summary and explanation of each Policy is provided in turn:

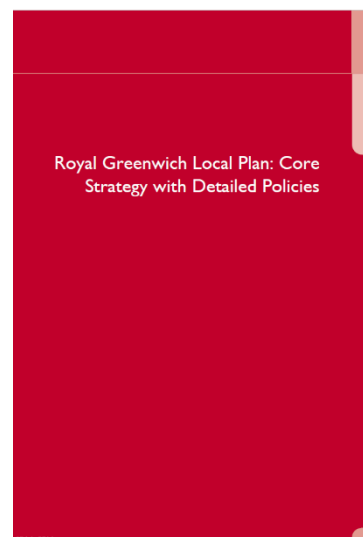
Policy DH1: Design

“All developments are required to be of a high quality of design and to demonstrate that they positively contribute to the improvement of both the built and natural environments.”

This policy sets out some general guidance that should inform the design of a development proposal. Proposals should “provide a positive relationship between the proposed and existing urban context” by ensuring that the proposed works (rear extension, side extension, roof extension, etc) would relate well to the pattern of the existing streetscene. For example, a proposal for a very contemporary, metal-clad two-storey side extension for a house along Foxes Dale would not be appropriate, as the street is characterised by large, traditionally-designed detached houses. While there can be room for contemporary architecture, it must respect the heritage value of the surrounding Conservation Area and the established character of the street itself.



A CONTEMPORARY, GLAZED FULL-HEIGHT SIDE EXTENSION (RIGHT) WOULD APPEAR OUT OF CHARACTER ALONG FOXES DALE



CORE STRATEGY WITH DETAILED POLICIES

It is also required that proposals should respect “the scale, height, bulk and massing of the adjacent townscape”, as well as the “established layout and spatial character” of the surrounding environment. Further to the above example, additional guidance will be provided in the next section of this document.

Policy DH3 Heritage Assets

*“The Royal Borough will protect and enhance the heritage assets and settings of Royal Greenwich, including the Maritime Greenwich World Heritage Site, **preserving or enhancing the character or appearance of the 20 Conservation Areas, applying a presumption in favour of the preservation of statutory listed buildings and their settings, giving substantial weight to protecting and conserving locally listed buildings**, protecting the three registered parks and gardens, as well as Royal Greenwich’s archaeological remains and areas of special character.”*

This policy clearly states that the Council will “protect and enhance” heritage assets, including the character and appearance of Conservation Areas, listed buildings and their settings, and the form and setting of locally listed buildings.

When preparing a proposal, it is important that it is known whether there are important heritage assets nearby. While we can appreciate from the Blackheath Park Conservation Area Appraisal that proposals must respect the leafy, open, semi-rural character of the Conservation Area, we must also take statutory and locally listed buildings into account as well.

A statutory listed building is defined as follows on the Historic England website:

“If a building is considered by the Secretary of State (for Digital, Culture, Media and Sport) to be of special architectural or historic interest it will be included in a list of such buildings.

The designation regime is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. The list is maintained by Historic England and is available online through the National Heritage List for England. Applications for new entries and to remove or amend an existing entry are made to Historic England. It will investigate the merits of the application and make a recommendation to the Secretary of State (for Digital, Culture, Media and Sport) who will make the decision.

As of 2016 there were 377,587 listed building entries in England. Listed buildings are classified into three grades:

Grade I buildings are of exceptional interest. Just 2.5% of listed buildings are Grade I.

Grade II buildings are particularly important buildings of more than special interest. 5.8% of listed buildings are Grade II*.*

Grade II buildings are of special interest warranting every effort to preserve them. Over 90% of all listed buildings are in this grade.

The special interest of a candidate building is assessed with the greatest care. Government has set out the criteria for selection in Principles of Selection for Listed Buildings (October 2013).

The special interest may arise from the contribution the building makes to the architectural or historic interest of any group of buildings of which it forms part (group value). Many buildings are interesting architecturally or historically but in order to be listed a building must have special interest. The Secretary of State uses the following general criteria when deciding whether a building is of special interest.”

Further detail can be found through the following link:

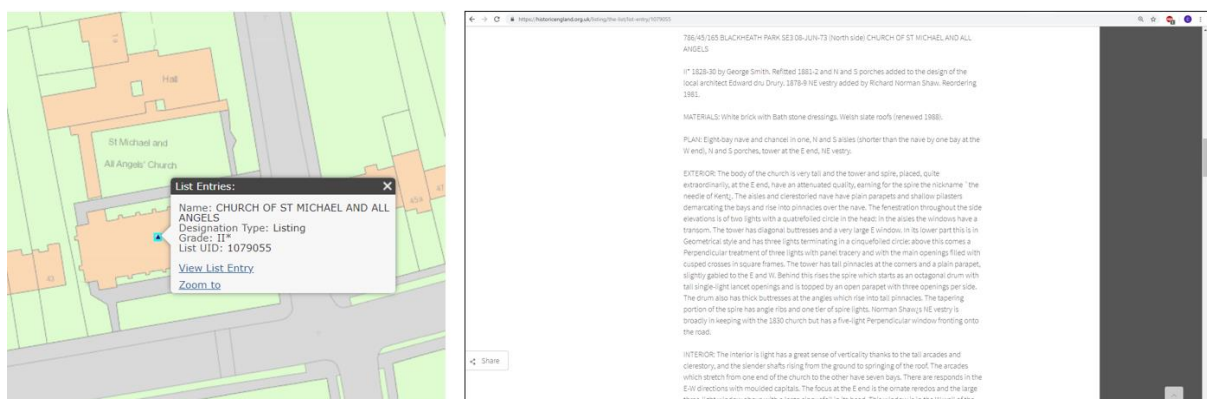
<https://historicengland.org.uk/advice/hpg/has/listed-buildings/>

If you want to see whether you live in a statutory listed building, or whether there are any listed buildings nearby, you can find them by using the map found on the following link. Simply enter your postcode in the search bar, and any nearby listed buildings will be highlighted by a blue icon:

<https://historicengland.org.uk/listing/the-list/map-search?clearresults=True>



EXAMPLE OF MAP ON HISTORIC ENGLAND WEBSITE, ILLUSTRATING NUMEROUS LISTED BUILDINGS ALONG BLACKHEATH PARK



ADDITIONAL INFORMATION AVAILABLE ON HISTORIC ENGLAND WEBSITE

By clicking a blue icon and following the link that appears ("View List Entry"), you can view details as to when the building was listed, why, an in-depth architectural description, etc.

"Locally listed buildings" are buildings which do not meet the stringent criteria to be statutorily listed; however, their "locally listed" status indicates that the Council finds that they have some architectural or historic merit. This designation would be taken into account if an application to extend a locally listed building was submitted to the Council.

If you are unsure whether your property is locally listed, or if you would like to know whether there is a locally listed building on your street, a list of locally listed buildings can be downloaded from the Council's website through the following link:

https://www.royalgreenwich.gov.uk/downloads/download/8/local_heritage_list

Policy DH(a) Residential Extensions

“Proposals for rear, side and other additions (including basements) should be limited to a scale and design appropriate to the building and locality. They will need to meet the following criteria:

- i. Two storey extensions to the side of semi-detached houses will not be permitted unless they are designed to avoid a ‘terracing effect’ in conjunction with adjacent extensions.*
- ii. Flat roofs will not be accepted on side or rear extensions when they would be visible from the public highway.*
- iii. All new roof extensions should be designed to respect the scale and character of the host building, the street scene and the surrounding area and respect the amenities of adjacent occupiers.”*

Two-storey side extensions to residential properties can result in the loss of gaps between buildings; this has been previously seen by the Council to harm the open, airy quality of the Estate. As such, two-storey side extensions are actively resisted, unless the particular context of the site means that a two-storey extension can be added without affecting the character of the Conservation Area.

In relation to roof extensions, the Council will resist any development proposal that would result in a roof that would appear at odds with the surrounding pattern of development. An example is provided in the supporting text to the Policy:

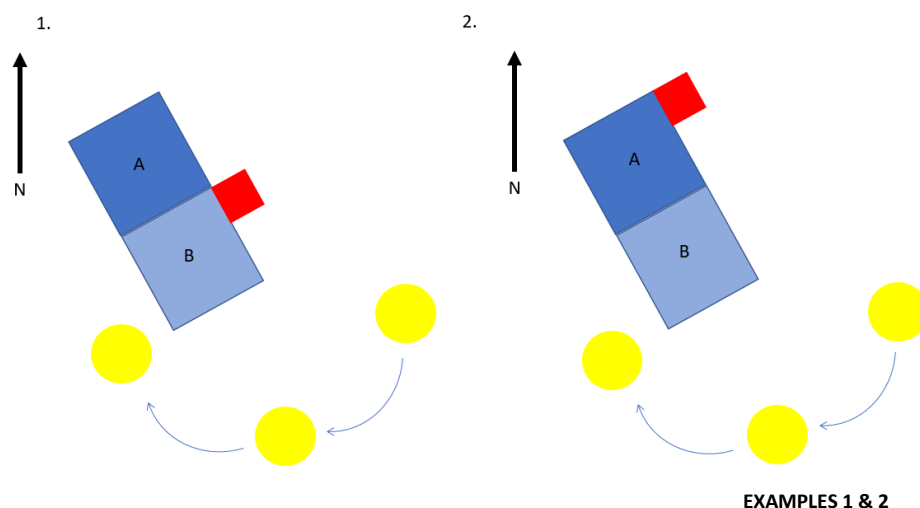
“For example, in areas where pitched roofs dominate, a pitched roof will also normally be required on a side or rear extension where it is visible from the public highway.”

Further guidance is included within the *Residential Extensions, Basements and Conversions Guidance SPD*, which will be discussed later.

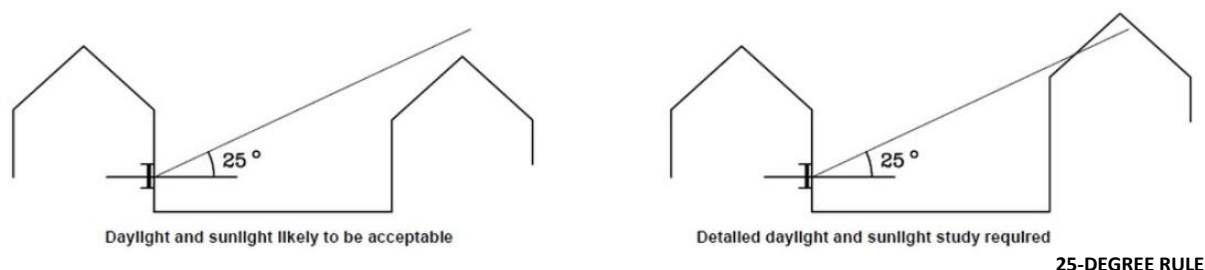
Policy DH(b) Protection of Amenity of Adjacent Occupiers

“When determining applications for new developments, extensions or renovations of buildings, the Royal Borough will only permit an application where it can be demonstrated that the proposed development does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy or result in an unneighbourly sense of enclosure.”

It is vital that proposals should not unduly reduce the quality of life of neighbouring residents. Determining whether a proposal would cause harm to the amenity of a neighbouring property is highly contingent on the specific context of the site. For example, in Example 1 below, House B lies to the south of House A and has had a rear extension built on its boundary with House A. As the path of the sun goes from east to west throughout the day, there is a possibility that the extension could block some light to the rear windows and garden of House A. However, in Example 2, House A has had a rear extension built on the opposite side away from House B. In this case, this would cause no harm to the amenity of House B whatsoever.



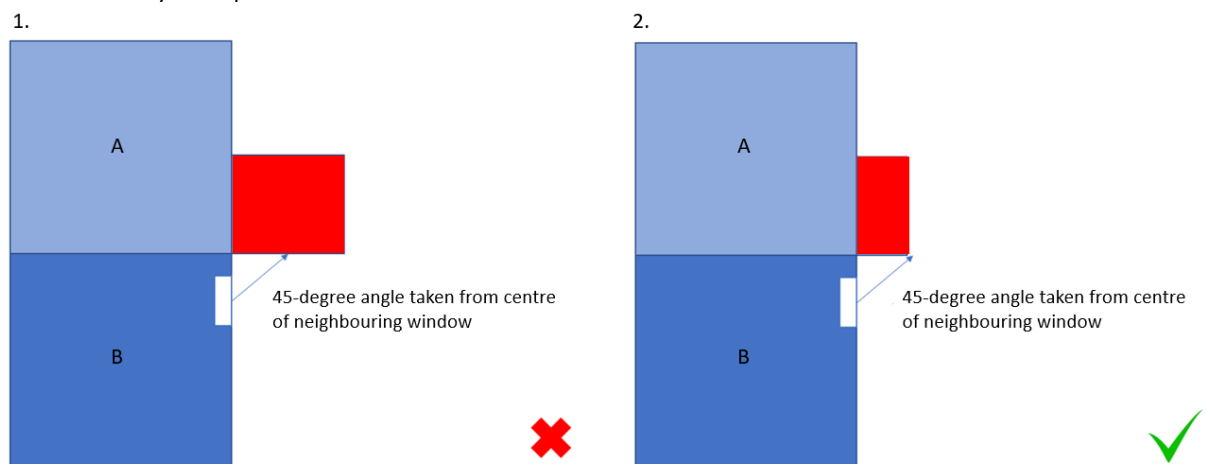
One should also consider the 25-degree rule; this is a “rule-of-thumb” relating to natural light. If there is an existing dwellinghouse set opposite your property, then a roof extension might impact upon the amount of natural light that is available to the existing dwellinghouse.



When preparing a proposal, residents should also be cognisant of how side and rear extensions might affect the outlook from neighbouring properties. While the occupants of a dwellinghouse are not entitled to certain views (i.e. a view of a nice tree on an adjacent street) under planning law, they are entitled to a clear, unobstructed outlook. When rear extensions are overly large and visible from adjoining properties, they can be said to create an undue “sense of enclosure” for neighbouring residents; this is unacceptable and such proposals will be resisted by the Council.

When designing a rear extension, consideration should be given to the “45-degree rule”. This is a “rule-of-thumb” which relates to both outlook and “sense of enclosure”. If a proposal extends past a line as measured from a 45-degree angle from the centre of the nearest neighbouring window of the adjoining property, then it is likely over-scaled and would be overly visible from the adjoining property. See Example 1 below.

However, if the proposed extension was set within this line, there would likely be no adverse implications. This is illustrated by Example 2.



Further guidance is included within the *Residential Extensions SPD*, which will be discussed later in this report.

Policy DH(h) Conservation Area

“Planning permission will only be granted for proposals which pay special attention to preserving or enhancing the character or appearance of the Conservation Area. The local scale, the established pattern of development and landscape, building form and materials will all be taken into account. Development on sites in the vicinity of a Conservation Area and which would have a visual effect on its character or appearance, should respect the setting of that area... Demolition of buildings and structures that positively contribute to the character or appearance of a Conservation Area will be resisted.”

This policy elaborates upon points previously raised within this document.

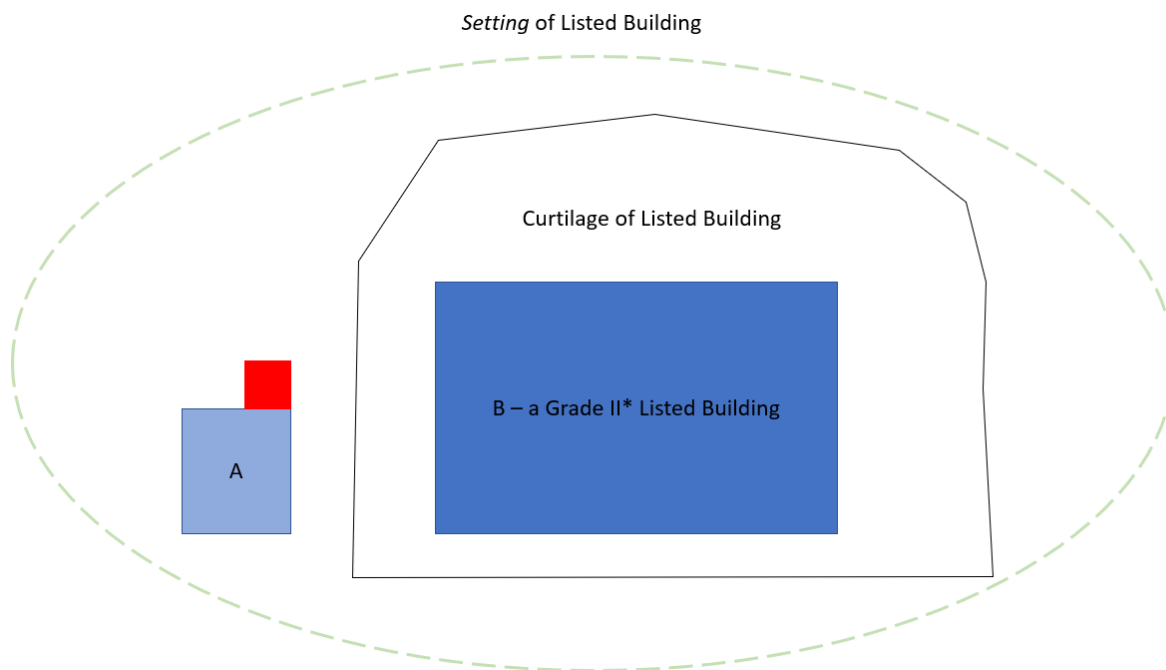
As part of the *Blackheath Park Conservation Area Appraisal*, a photo survey of each street within the Estate was carried out. This survey lists the key features of each street. When considering whether a development proposal would have an effect upon “the established pattern of development”, reference to this photo survey could be useful. The photo survey can be found on the Council’s website alongside the *Appraisal* document:

https://www.royalgreenwich.gov.uk/downloads/download/567/blackheath_park_conservation_area_appraisal
!

Policy DH(i) Statutory Listed Buildings i) Protection of Listed Buildings

“There will be a presumption in favour of the preservation of listed buildings. Listed building consent will only be granted for demolition in exceptional circumstances... Proposals for external or internal alterations or additions to Listed Buildings should respect the integrity of the buildings and harmonise with their special architectural or historical character. Where consent is required for internal alterations, features of interest should be respected and left in-situ wherever possible.”

Alongside the above considerations, residents who live in properties that adjoin/are immediately visible from listed buildings should be aware that proposals to alter or extend their homes might not always be suitable. For example, if the Council determines that a seemingly-modest extension to House A would be overly prominent within the *setting* of House B (a grade II* listed building in this hypothetical scenario), then permission may not be granted. The setting of a listed building does not relate solely to the curtilage of a listed building, but can extend to beyond into the public and private realm.



EXAMPLE RELATING TO SETTING OF LISTED BUILDING

Policy DH(j) Locally Listed Buildings

“In considering proposals affecting buildings on the Local List of Buildings of Architectural or Historic Interest, substantial weight will be given to protecting and conserving the particular characteristics that account for their designation. Consequently, proposals for the demolition or unsympathetic alteration of locally listed buildings will be strongly discouraged.”

While less important than statutory listed buildings, the Council will require proposals affecting locally listed buildings to respect their architectural and historic merit. Once again, proposals on adjoining sites will need to take these heritage assets into account and ensure that any impacts are mitigated as much as possible.

Policy OS(f) Ecological Factors

“Development proposals will be expected to take account of ecological factors, in particular paying attention to the need for... an appropriate level of survey to enable decisions to be made about the existing trees on the site. Development decisions will be based on the requirement:

- *To protect trees and their root systems from damage as a result of the development both during and after building operations;*
- *To achieve an appropriate replacement of trees taking account of size, coverage and species where it is agreed that existing trees can be felled;*
- *That landscaping schemes should include environmentally appropriate planting using locally native species and demonstrate appropriate irrigation plans for landscaping; and*
- *To ensure that planting design does not impact negatively on personal safety and accessibility;*

Within the Blackheath Park Conservation Area, all trees are automatically protected under planning law by virtue of the Conservation Area designation. This means that permission must be granted from the Council before any trees can be pruned, removed or replaced.

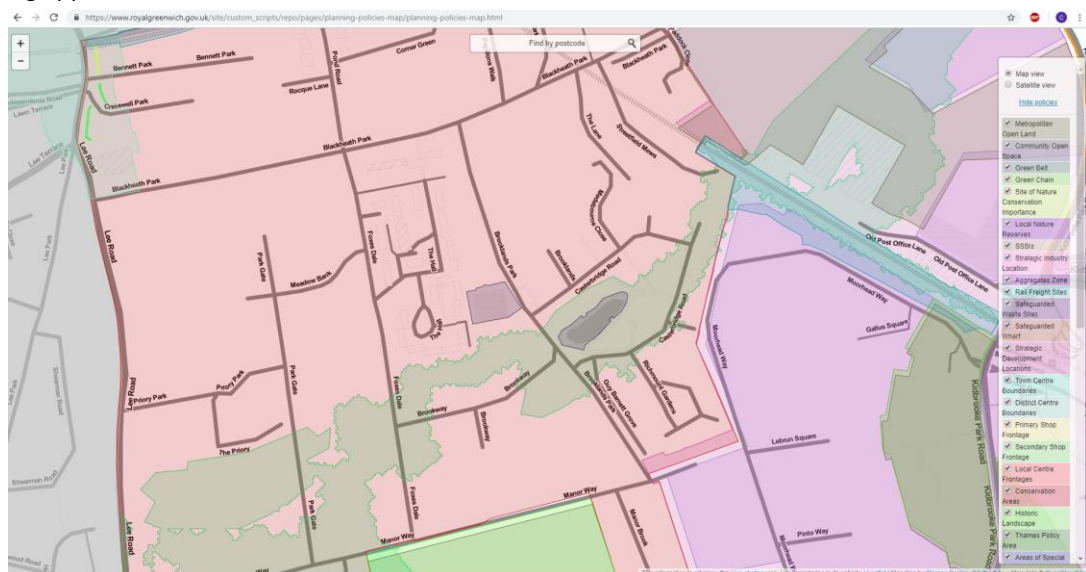
Sometimes, trees can occupy the space where a resident would like to build a rear or side extension. In such cases, the resident would need to employ the services of an arboriculturalist to examine the health and quality of the tree; if it is found that the tree is a poor-quality specimen, then its removal should be justifiable to the Council. However, if it is a high-quality specimen, the Council may refuse an application on the basis that the tree is too valuable to be lost. A compromise can sometimes be sought if replacement trees are included as part of a development proposal.

The Core Strategy can be downloaded from the Council's website through the following link:

https://www.royalgreenwich.gov.uk/info/200191/planning_policy_and_strategy/869/local_development_framework/2

Policy Map

Through **the same link** included above, residents can find an interactive version of the Policies Map; by typing the postcode of their property into the search bar, residents can find the Core Strategy policy designations which affect their property. The various designations can be removed or added in the bar on the right-hand side. While most properties will be situated within the Blackheath Park Conservation Area (hatched red below), some properties will also be affected by other designations (Primary Shop Frontages, Metropolitan Open Land, etc). Having regard to this Policy Map is an important first step for any residents seeking to submit a planning application.



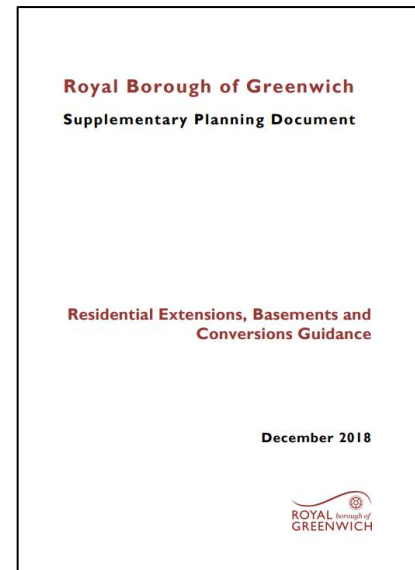
BLACKHEATH CATOR ESTATE SHOWN ON COUNCIL'S INTERACTIVE POLICY MAP

Residential Extensions, Basements and Conversions Guidance SPD

This document is a Supplementary Planning Document (SPD); it provides further guidance in addition to the Core Strategy with Detailed Policies.

The SPD offers clear examples of well-designed extensions, and elaborates upon the principal considerations which must be considered by applicants when preparing their proposal:

“The guidance explains the types of residential extensions that can be built and focuses on encouraging good design by concentrating on broad issues such as size, height, position and layout. It sets out examples of well-designed extensions and shows how extra living space can be created, whilst respecting the character of the area, the streetscape, the original building and the amenity of adjoining occupiers.”



RESIDENTIAL EXTENSIONS SPD

The SPD helpfully provides guidance which specifically relates to houses set within Conservation Areas, or which may be designated as statutory or locally listed buildings. This information is included within yellow boxes throughout the document:

Conservation matters

This SPD includes some additional design guidance which applies specifically to alterations to dwellings in conservation areas, locally listed buildings and statutory listed buildings. You will find guidance throughout the document in these yellow boxes. If your property is a statutory listed building you may need listed building consent. It is a criminal offence to carry out works on a statutory listed building without consent.

EXAMPLE OF YELLOW BOX

Section 2 of the SPD relates to permitted development rights.

Single family households within the estate which i) are not statutory listed, and ii) have not been converted to flats, can be extended without planning permission. Such extensions must adhere to very specific criteria which is set out within Schedule 2, Part 1 of the Town and Country Planning Act (General Permitted Development) (England) Order 2015.

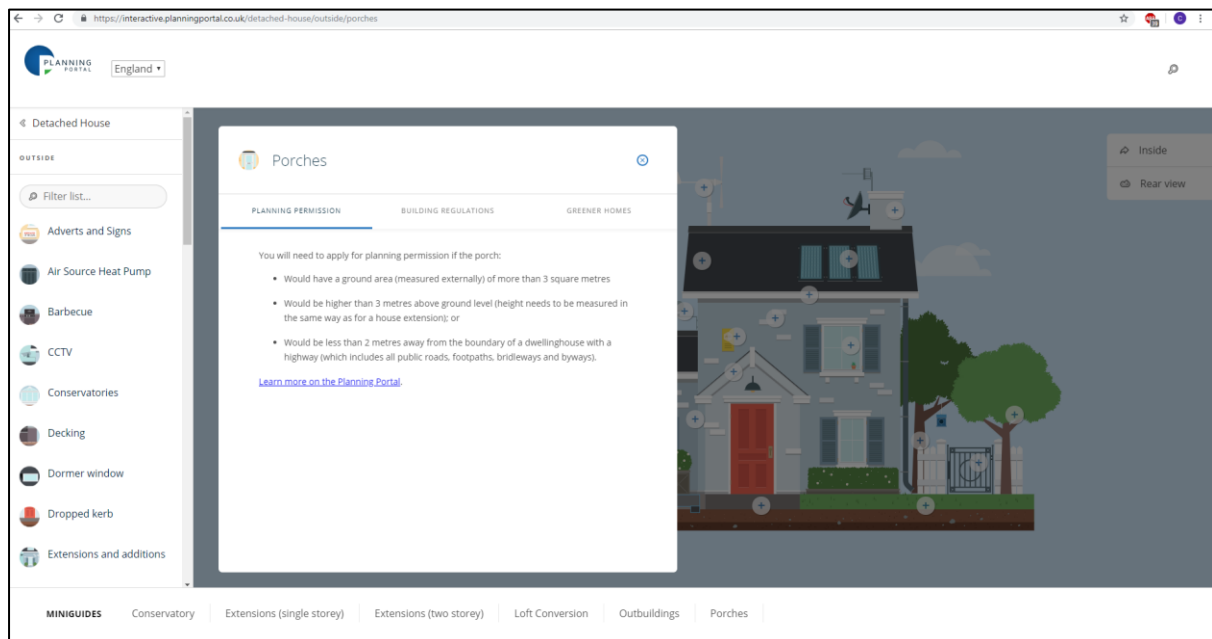
For example, as per Schedule 2, Part 1, Class A, Paragraph (f) of the Order, a single-storey extension no higher than 4m in height can be built to the rear of a property; in the case of a detached dwellinghouse, this extension can extend no further than 4m from the rear wall of the dwellinghouse, or only 3m in the case of any other dwellinghouse.

Predictably, the interpretation of permitted development rights can often be confusing, largely due to the poor and imprecise language used within the Order itself.

Furthermore, as properties within the Estate are located within a Conservation Area (otherwise referred to as Article 2(3) land within the Order), there are additional restrictions placed upon permitted development rights.

However, the SPD helpfully provides a link to publicly available resources which can provide residents with a working knowledge of permitted development rights within Conservation Areas.

First, the interactive houses on the Planning Portal website provide good examples of what is possible under permitted development for detached and terraced houses.

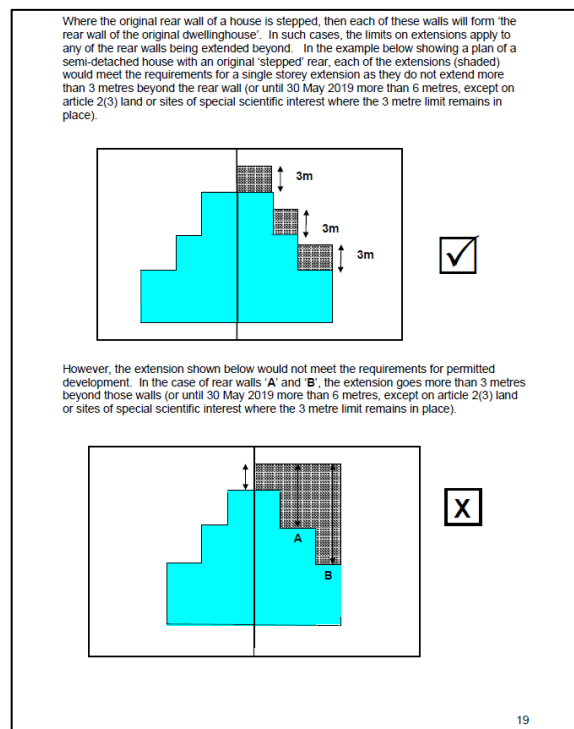


INTERACTIVE HOUSE ON PLANNING PORTAL WEBSITE

The interactive houses can be found through the following link:

<https://interactive.planningportal.co.uk/>

Secondly, the SPD provides a link to a document called *Permitted Development Rights for Householders: Technical Guidance*. Contrary to its title, this document provides plain-English explanations as to what works can be carried out to your home under permitted development rights. Helpful diagrams further explain what is and is not possible.



EXCERPT FROM TECHNICAL GUIDANCE DOCUMENT

This document can be downloaded through the following link:

<https://www.gov.uk/government/publications/permitted-development-rights-for-householders-technical-guidance>

While these two resources are helpful in explaining the intricacies of permitted development rights, we again remind you to consider that permitted development rights are further complicated due to the Estate's designation as Article 2(3) land under the Order. We recommend that you seek the advice of a planning consultant or architect in order to determine how your property might be extended under permitted development rights.

Section 3 provides some general information on how to submit a planning application to the Council.

Section 4 provides an overview of key design and amenity considerations that would inform your development proposal. Guidance is given in relation to outlook, overshadowing, natural light, overlooking and trees.

Section 5 outlines further examples of residential extensions, with guidance as to what would be considered appropriate/inappropriate in terms of scale and design. Once again, considerable advice is included which relates specifically to properties within Conservation Areas.

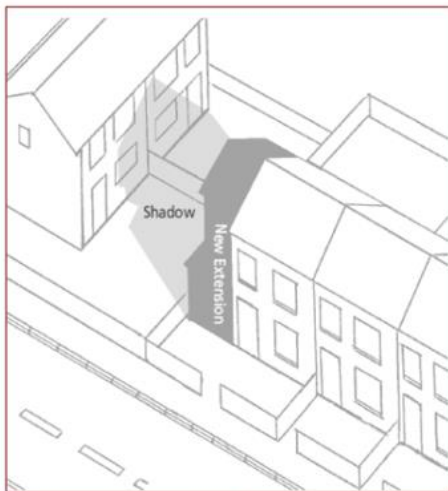


Figure 1: Unacceptable overshadowing

Depth

- 5.4 It is important that this type of extension does not dominate and remains subservient to the original house (see Figure 3). It should not normally project out more than 3.6m from the rear wall of the original house (if the house is attached) as a deeper extension could block daylight and sunlight for neighbouring properties.

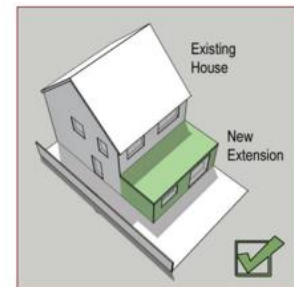
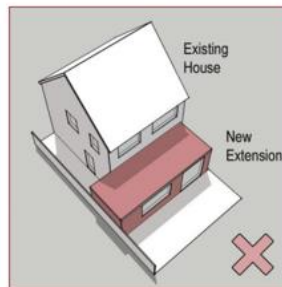


Figure 3 Single storey rear extensions should be subservient and in line with the original building, as illustrated by the drawing on the right

EXCERPTS FROM SPD

Section 6 provides guidance for basement extensions.

Basements are generally resisted within the Estate, as:

- i) they are not a common feature of properties within the area,
- ii) can cause the removal of surrounding trees, which are characteristic of the Conservation Area,
- iii) can threaten the structural integrity of nearby buildings – these concerns are especially highlighted if the property is statutory or locally listed, or adjoins such a property.

While the SPD was adopted some years ago, the Council have recently made revisions to this section of the document; proposals for basement development must now be informed by comprehensive reports concerning structural stability, groundwater levels, flood risk, etc before an application would even be considered.

Proposals for basement development are uncommon within the Estate. Such proposals would require suitable sites and would need to be exceptionally designed in respect of the character of the Conservation Area in order to be acceptable to the Council.

The SPD can be downloaded through the following link:

https://www.royalgreenwich.gov.uk/downloads/download/796/residential_extensions_basements_and_convensions

4. CONCLUSION

This document provides initial planning guidance for residents of the Blackheath Cator Estate who may want to alter or extend their home.

In addition to detailed examinations of the two key policy documents used by the Council to determine householder applications, this document provides readers with other helpful resources such as the *Blackheath Park Conservation Area Appraisal*, the Interactive House on the Planning Portal website and the *Technical Guidance* document which explains permitted development rights.

We trust that this document would provide residents with a useful “first point of reference”, and that readers of this document would have a working knowledge of the key issues that would need to be considered as part of any householder planning application.

Please don’t hesitate to get in touch should you have any queries on the context of this document.