

INTRODUCTION

In the interests of brevity we have commented mainly on the areas where we have problems or objections, where there are errors or omissions, where we have suggestions for additional helpful guidance or where clarification is needed. In a few instances we have welcomed or supported paragraphs where we strongly believe they should remain even should others object to them.

Our comments, or lack of them, are not to be taken as agreement to the policies on in-fill and back-land development which are set out in Lewisham Local Plan draft (regulation 18 stage); our views on this were set out in our response to that consultation dated 2 April 2021.

Nor are they to be taken as agreeing that developers should be given more assistance in searching out and building on sites within the Borough. As we have previously commented, the planning system is already unfairly biased in law towards the developer and against existing residents for whom the Council also has responsibilities. The pre-consultation advice which is available to developers but not objectors is particularly distasteful. The position of a developer, generally with money available to pay consultants, should be contrasted with that of existing residents who, when disadvantaged by a new development, must fund any advice from the own pockets and work in their own volunteer time. We would hope that the Council will also prepare, preferably as separate guidance, an equally comprehensive guide to planning for those needing to navigate what these documents refer to as *the planning policy maze* in order to object where that is felt appropriate.

We have attempted to make our comments relevant to both the implementation of this SPD under the existing Development Management Plan and under the proposed Local Plan. In some instances our comments reflect our views on changes that will need to be made to this SPD if our comments on the draft Local Plan are accepted. We appreciate that the SPD cannot contradict the Local Plan itself.

RECURRING MATTERS AND FUNDAMENTAL OBJECTIONS

Whilst we comment on individual paragraphs in this response, there are certain recurring matters which appear throughout and to which we strongly object. Without derogating from objections to individual paragraph, we felt it would be helpful to set out those matters and our fundamental objections to this draft SPD below:

1. Despite the need to preserve back gardens, and policies to that effect within the existing Development Management Plan and the draft Lewisham Local Plan (LLP), the policies here provide for clear encroachment on, and loss of, back garden space. We believe much of what is illustrated as apparently acceptable infill is contrary to existing policy DM33 and proposed policies QD11F and G (although, wrongly in our view, scoped into development by the “Explanation” paragraphs). Gardens to the rear of properties should be preserved for all the social, ecological and environmental reasons outlined in the draft LLP.

We do not believe that the various policies in the Plans should be intended to be “either or”. It is not a case that a back garden ceases to be a back garden if is also adjacent to a side road. It is still a back garden and should not be developed.

To permit anything else has the capacity to damage severely and irreparably damage the appearance of Conservation Areas such as Telegraph Hill where, as the area’s Character Appraisal states, *“The large areas of open space created by rows of back-to-back rear gardens add to the local distinctiveness of the area”* and *“There are good views of the backs of houses ... across green back gardens from where the east-west side roads cut between the primary north-south roads”*.

Back garden sites, regardless of where they are, should be scoped out of any development.

2. The aspirations for good quality design are being subordinated to the need for more housing at almost any cost. Inappropriate designs are scattered throughout the document. There is insufficient guidance on what constitutes good development, particularly as regards infill, and the proposals for allowing additional storeys on buildings are excessive.
3. We consider many of the illustrations to be examples of extremely poor design (often where no attempt has been made to reference the existing architectural style of the surrounding buildings and where a desire to shock has taken precedence over any desire to blend in). We strongly advise that the pictures be removed for fear that they may be taken as evidence of good practice. If they remain, they will, in many instances, open the way to considerable dispute and additional referrals to planning committee.

We would also strongly advise that material which amounts to effective recommendation of certain architects is deleted. The merits and demerits of various architectural practices change with time. Cases should be decided on their individual merit and not on what certain individuals may have decided are good design in the past.

Most of the drawings, as well as the illustrations of actual properties, show modernistic designs and give the impression that these are what is required, or at least preferred, by the Council. This impression should be removed by providing drawings which show the new build properties in a mixture of styles, traditional and modern.

4. There is insufficient emphasis or advice on consultation with residents and other interested parties, including no references, tellingly, to Conservation or Amenity groups. Consultation with merely “neighbours” is unlikely to be sufficient and is likely, if so limited, to lead to considerable local dissatisfaction with proposed schemes, and hence the avoidable cost of more objections and applications rightly going to committee. Developers should be encouraged to consult with all those likely to be impacted or have a view on their proposals, including Statutory Consultees and groups, to deal with and respond to such issues at an early stage.

The so-called “Customer Journey” (it is more a “Developer Journey”) in the Appendices (section 6) does not include consultation at all. As regards modification of any scheme it proposes only that feedback from Planners should be taken into account.

Even accepting that the Council would itself go through due process of consultation according to its Statement of Community Involvement, the lack of reference to consultation is staggering. We note that Lewisham’s approach to consultation was criticised in the High Court in the recent Mais House judicial review and suggests that this should therefore be an area of particular concern going forward.

5. The references to Heritage, given the quantity of heritage assets in the Borough, is poor and the advice to developers on those assets insufficient. In some areas, the SPD seems to be positively advocating inappropriate development in Conservation Areas whereas the stated requirement is to “preserve or enhance” in that order of priority. For the reasons outlined in the draft LLP the Borough’s heritage is worth preserving and significantly more effort should be made in this Guidance to provide advice on what is unacceptable in respect of heritage assets.

There is considerable inconsistency in drafting the later sections as to whether Conservation Areas are mentioned or not (e.g. section 33 (Backland) states that Conservation Area Appraisals take precedence but sections 26 to 31 (on Infill) do not. It should be made clear in all sections that Conservation Area Appraisals (and area specific SDPs etc.) must be followed in all instances. The danger is that, if this is not so stated, a developer might assume these documents and guidance only apply to categories of development where Conservation Areas are specifically mentioned.

Again, we note that there was criticism of the Council’s consideration of heritage issues in the Mais House judgment and again believe, in the light of this, the Council should pay particular care to this area in drafting advice.

In our view this SPD should not have been brought forward until the Council’s work on its Heritage policy, started in 2019 and postponed due to COVID-19, had been finished.

A Small Sites SPD is welcome but this version, particularly as regards increased building on gardens is not welcome: It will damage the urban heritage of the Borough and increase the dissatisfaction of residents with development, developers and the Council planning system.

LEWISHAM SMALL SITES VISION

2.2 Site Types

As we have stated in the section above on fundamental matters, back garden land is back garden land, whether or not it is also adjacent to a side road. Such gardens should not be considered to be another type; indeed to say a garden which is to the rear of a property is not a back garden because there is side access is absurd. The statement which we quote above from the Telegraph Hill Conservation Area Character Appraisal valuing the view across back gardens from the side roads quite clearly indicates that all the back gardens, especially those on corner plots, are regarded as back gardens and essential in contributing to such vistas.

For further discussion of this see our comments on section 28 below.

The development of back gardens, where they adjoin a side road, would be particularly undesirable within a Conservation Area and would lead to potential destruction of its whole character and appearance.

The “*Other Type? Garden land is not developable, so consider if the site fits another category*” statement is therefore unhelpful in the extreme and is merely an encouragement to developers to seek to get around the rules protecting essential green space.

If, despite our strong objections here, and to the ambiguities of the LLP, this perverse description of a back garden is retained, Conservation Areas should be completely exempted from development of such infill of back gardens; failing which the appearance of these areas is likely to be destroyed for this and future generations and the work put in by the Council and local residents over the past thirty years since Lewisham’s Conservation Areas were first set up gone to waste.

3 Why build on small sites

Density should not be an aim. Delivering more homes may well be the aim and increasing density can help achieve this, but it is not an aim in its own right and needs to be carefully weighed up against the disadvantages it can create in areas which are already deficient in services or, particularly, open space.

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“Engage with local stakeholders”

We are deeply concerned that this box only mentions “*Housing Associations, private developers, local contractors, architects and landowners*”. We presume that this is an oversight and the Council is not meaning to indicate that local residents and local residents’ associations are not stakeholders in the development process or their own local communities.

Identify sites and areas for intensification

We are unclear as to whether this means the Council will simply not identify and publicise sites where intensification will not enable more commerce, services and public transport to develop, or whether sites where these objectives are not met will not be considered for intensification. We would like specific clarification in the SPD that sites which would not meet these objectives and

would not “*help make better places for both new and existing residents*” would not be considered for intensification.

Make advice accessible and easy to understand

In order to be fair and even-handed such advice should also be readily available to those who wish “*to navigate the planning policy maze*” in order to object to developments.

We appreciate that this is a guide for developers rather than the reverse, but this box in particular should seek to be more balanced.

3.4 Local Plan

Again we are extremely concerned that there is no reference to consideration of Conservation Areas within the list of relevant points as it is specifically mentioned in **7.11** of the SPD

We note that “*Generally, the use of garden land for development is to be avoided and will be strongly resisted.*” We would support this statement although clarification of the use of the word “generally” would be welcome. We have stated in our response on the draft LLP that garden space, particularly in the north of the Borough, where there is a lack of green space, should be protected, except where there is an overwhelming argument in favour of its use and where there is no overall reduction in the *per capita* amount of green space in the area as a result of any proposed development.

The list should also note that small site development should be cognizant of the typography of the area and seek to harmonise with it where possible. We note that this is the effect of **box 3.7.4** in the SPD but it should be referenced here.

5 Opportunities

Figure 10: Telegraph Hill Conservation Area should not be zoned in for small site considerations given the omission of less densely populated and less developed areas as in the South of the Borough.

We note that this figure “*indicates areas which may be appropriate for intensification, based on their connectivity*”. As we have argued in more detail in our response to the draft LLP, connectivity on its own is a poor determinant for development. In particular “connectivity” *per se* does not take into account “capacity” and, in the north of the borough, whilst the connectivity (north/south) is relatively good, the capacity for more people to use the network is extremely limited. There is no point having connectivity as an indicator for appropriate intensification if the services are already unusable because of capacity constraints, buses too full to stop and platforms closed because of dangerous over-crowding.

LEWISHAM SMALL SITES SPD

Where the SPD repeats matters mentioned in the “Vision” section, our comments are also repeated below for ease of reference.

2 Key Objectives

“Engage with local stakeholders”

We are shocked that this box only mentions “*Housing Associations, private developers, local contractors, architects and landowners*”. We presume that this is an oversight and the Council is not meaning to indicate that local residents and local residents associations are not stakeholders in the development process or in their own local communities.

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We are unclear as to whether this means the Council will simply not identify and publicise sites where intensification will not enable more commerce, services and public transport to develop, or whether sites where these objectives are not met will not be considered for intensification. We would like specific clarification in the SPD that sites which would not meet these objectives and would not “*help make better places for both new and existing residents*” would not be considered for intensification.

Make advice accessible and easy to understand

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We appreciate that this is a guide for developers rather than the reverse but this box in particular should seek to be more balanced.

4 FAQs

Box 3.7.3: The points about Size, Overlooking and Shading are particularly important and we welcome these being made here. We would however expect reference to other considerations such as the existence of Conservation Areas.

Box 3.7.4: Again the points here are well-made but in Conservation Areas such as Telegraph Hill, the visual appearance should be as a sympathetic addition – “counterpoint” development is not be appropriate.

Box 3.7.8: As we have discussed in our response to the draft LLP, we do not believe that small sites (or any sites) should be planned as “*car free*”. This might be appropriate where the developer can demonstrate that additional parking outside the development (which will occur as a result of the development) will not impact on the amenity of existing residents but in other cases it may not be. In particular car-free development will not meet the aspiration of the Borough to be inclusive to residents throughout their lives as most families with children still expect to have access to a car and will avoid car-free developments and elderly people are unlikely to be using “*forms of two-wheel transport*”. We have some doubts as to whether the aspiration in the London Plan, and hence in the draft LLP and this SPD, that “*more forms of two wheel transport will come into regular use*” (by

which we assume that the authors mean “more regular use will be made of forms of two-wheel transport”) will occur given the impact of COVID-19 which has seen car use increase significant with the perception of it being safer than public transport.

Unless developers are required to insist that their purchasers or occupants of their properties are banned from having motor vehicles, all that “car-free” (read “parking space-free”) developments accomplish is to move parking on to other street to the detriment of the amenity of existing residents. Where residents are banned from having cars, visitor parking is still an issue. We are experiencing this at present with proposals by a developer for the redevelopment of Martin’s Yard, Brockley, SE4 which whilst larger than a small site nevertheless has many of the same issues and is causing considerable dissatisfaction amongst existing local residents who see themselves, rightly, as being disadvantaged whilst the developer profits.

7.7 Public Transport Accessibility Levels

With reference to **7.7.1**, as we have argued in more detail in our response to the draft LLP, connectivity on its own is a poor determinant for development. In particular “connectivity” *per se* does not take into account “capacity” and, in the north of the borough, whilst the connectivity (north/south) is relatively good, the capacity for more people to use the network is extremely limited. There is no point having connectivity as an indicator for appropriate intensification if the services are unusable because of capacity constraints.

Furthermore, the reliance on public transport, cycling or walking significantly restricts the demographic to which new build properties will appeal, contrary to the Borough’s stated policy of wanting to provide for residents throughout the whole of their lives and including, particularly, families.

We refer above, in our comments concerning **box 3.7.8**, to the inconsistency in seeking to provide housing for residents throughout their lives and the policy of providing too much in the way of the “car-free” (i.e. parking space free) housing which is only suitable for, or desired by, a fraction of the population.

7.9 Neighbourhood forums and areas

The section is titled “Neighbourhood forums and areas” but actually only deals with areas which have “Neighbourhood Plans”. The section should also deal with other forums through which “*Local people can influence the vision and planning policies*”, which would include Tenants and Residents’ Associations, Conservation and Amenity Societies.

In addition to Neighbourhood Plans there are also site specific SPDs for certain areas and Area Character Appraisals. Developers should be required to consult and take these into account and so they should be mentioned here, or in a separate paragraph. Too often we find that developers fail to consider our area’s Character Appraisal whilst preparing their applications despite the Character Appraisal being a material planning consideration. We appreciate these are covered in section **8.1.2** but they should also be covered more generally here.

We also encouraged the Council to consider, as part of its heritage policy within the LLP, to include Design Guides for Conservation Areas and other areas with specific characteristics as not all local areas will be covered Neighbourhood Plans.

8 Conservation Areas

8.2 A rich History

We do not understand the statement in paragraph **8.2.5** to “*the majority of the borough’s Conservation Areas recognise the genial (sic) character of commercial suburban expansion*”.

Whilst we accept that the purpose of a Conservation Area is not to provide preservation in aspic, we are concerned about the implications of this paragraph which, whilst unclear, seems to suggest that innovative development will be welcomed by the Council in Conservation Areas. It should not be. We would strongly suggest that most residents who live in Conservation Areas would disagree and would prefer harmonious development within the area more in line with the statements in **box 3.7.4**.

8.3.2 Conservation Area misconceptions

We find this box deeply unhelpful and highly damaging to the expectations of most residents who live in Conservation Areas. It will inevitably be used as a checklist for developers to omit features that make such areas distinctive for the purpose of cutting costs and increasing profits. The statements in it are particularly odd given what is said in para **11.2.2**. The whole box should be deleted.

8.3.6 is a very welcome comment. The past is strongly relevant to the future and we are glad to hear that architects are moving away from the idea, which we have seen in so many planning applications, that any reference to the past should be derided by the word “pastiche” (often wrongly used).

It is unfortunate, however, that few of the illustrations (either as pictures or drawings) carry this sentiment further. Many show developments which, so far from reproducing known and loved elements of Lewisham’s urban landscape, seem to glorify in absurdly inappropriate and jarring designs. There is an existential threat to the concept and aim of granting Conservation Area status from these types of developments. They are inappropriate and should be resisted in order to protect the fabric of heritage areas for future generations and not dissipate in a very short space of time the work that has been put into such protection over the past thirty years.

8.5 Modern lifestyles

Whilst we would not dispute some of the points made in **8.5.2** we would question whether everybody wants “open plan living” or whether open plan living has to mean the destruction of traditional architectural features and layouts. Indeed, with more working from home, we have seen some evidence of people wishing more privacy. We would suggest that “open-plan” living be deleted.

Rather than necessarily wanting the modern, a survey by CreateStreets has shown that Victorian and Edwardian properties are seen as more desirable than modern properties. Care needs to be taken therefore, in any small site development, that development does not detract from that appeal. It follows that any such development must “fit-in” with what is seen to be the characteristics of the area.

One other aspect of modern lifestyles which has changed and which is worth mentioning as a factor when considering development, particularly in Conservation Areas, is that, when much of the Borough was developed, people did not have cars but now do.

9 Permitted Development

9.1 What is permitted development?

9.1.4 This should be more strongly worded as we have found many instances where flat owners assume they have the same permitted rights as house owners, whereas permitted development rights (currently), other than for satellite and other antennae, only apply to houses and outhouses and not to flats and maisonettes. We would suggest replacing “*may not have*” by “*will not normally have*” and “*may be required*” with “*will be required in almost all circumstances.*”

It would be helpful if the SPD mentioned here that permitted developments still need to meet space standards and building regulations.

9.2 Why a full planning application is usually a better option

9.2.2. The statement “*a well-designed residential design will usually deliver more new homes than the equivalent permitted development scheme*” is raising an expectation which may not be deliverable. We would suggest “*a well-designed residential design may deliver more new homes*”.

9.2.4 We welcome this paragraph. We are aware that many small developers are not aware that removal of trees and, in particular, the introduction of crossovers require planning permission.

10 Development Flowchart

Figure 11. We are deeply concerned that the only reference to consultation is “*Speak with your neighbours to resolve parts of the proposal that may affect them.*” This seems to show a total disregard for the wider community which might be impacted, even on small sites, and a total disregard for the views of any TRA, Conservation or Amenity Society in the area. Given that the majority of the applications that fail within our Conservation Area are from developers who have not consulted with the Telegraph Hill Society in advance, we trust that this is a drafting error in the flowchart rather than an intentional attempt to disregard Conservation and Amenity groups and the wider community of existing residents the Council serves. We would suggest that this box should read “*Consult fully with all concerned parties, including neighbours who will be affected by your proposals and any residents or amenity group that might influence the design.*”

10.3.6. This paragraph is prejudging the situation and furthermore only relates to enhancement whereas the Conservation Area aim is to “*preserve or enhance*” with the emphasis on the first word. We would suggest that the second sentence should read: “*A heritage consultant can provide the historical context which will enable the planners to judge whether your proposal preserves or enhances the present streetscape.*”

Figures 13 and 14 provide unattractive and unacceptable examples, in our view, of new build properties. We have included in our response to the LLP consultation examples of small site developments which are attractive and respond to the character of the area and we suggest that, if pictures are to be included, examples of developments like these are used in order to avoid giving the wrong impression of what is acceptable. The illustrations we provided are given again below:



The new build properties, both flatted accommodation, are the end terrace property on the right of the first illustration (Arbuthnot Road)¹ and the detached property on the left of the second (Pepys Road).

Step 9

Paragraph 10.5.8 should make it clear that the planning officers' pre-planning advice is no guarantee that the application will be successful even if all the planning officers' advice is taken into account as the approval of scheme will depend on the detail of the scheme submitted in the application, the outcome of the public exposure of the plan during the application process and the final consideration of the Council officers and/or Planning Committee. There are sufficient examples of cases where a planning application has been refused despite the incorporation of all the pre-planning advice in order make this caveat important.

Step 10

See our comments on **Figure 11** above.

The heading should not be "*Consult your neighbours*". This is misleading. It should be "*Consult any interested parties*". Even the wording in **10.5.9**, limited as it is, belies the section heading. In this context it is also worth noting that "neighbours" may well be short term tenants with no defining or ongoing view one way or the other toward new development, whilst development will affect the area for generations to come. A developer who relies merely on consulting the neighbours in obeying this heading may well therefore have a justifiable complaint when others, not neighbours, object. The consultation net therefore needs to spread wider than merely "neighbours" and the Council should be advising accordingly.

10.5.9 We are absolutely dismayed at the fact that this SPD could be drafted in such a fashion as to avoid any reference to developers consulting local residents' group and particularly those Conservation and Amenity Societies which are as a matter of course consulted by the Borough as part of the planning process. The section requires a redraft. At a minimum we would suggest that paragraph **10.5.9** has the following added: "*Your consultations should include any local Amenity Society or, in Conservation Areas, any Conservation Area Society that has been set up and may be a Statutory Consultee in the planning process. You should also seek to include any other known residents' group(s) that might be affected. You should consider whether this consultation should be*

¹ For clarity we would stress that we do not support the later rear extension to this property, to which the Society objected, and which is wholly out of keeping with the Conservation Area.

carried out both at the initial stages of the preparation of your plans as well as when they are further advanced, as this is likely to reduce the cost of any modifications that might be required in the light of later consultation. Earlier consultation and as wide a consultation as possible is encouraged."

10.5.11 Even-handedness would suggest that this paragraph should also note that neighbours writing into the Council to support a scheme will not necessarily mean the application will succeed. We would suggest that this paragraph be worded: *"Anybody may also write into the council to offer support for your scheme or to object to it. Support for the application does not mean it will be approved nor do objections mean your application will necessarily fail but all comments will be taken into account in the planning decision."*

Step 11

10.6.1 This paragraph references **step 10** in respect of pre-application discussion. This reference is wrong.

Design and consultation are iterative processes and this should be mentioned in **10.6.1**. The paragraph mentions the design aligning more closely with the planning officers' requirements but fails to mention that the design should also take into account the consultations step **10**. The paragraph needs rewording accordingly.

Step 13

Again we find it amazing that there is no reference here to the consultation process: it is almost as if it is being neglected on purpose, which is surely dangerous given that the chance of objections to any application is likely to increase if proper consultation is not carried out. Reference again is only made to considering pre-planning advice from the Council and "your brief". Paragraph **10.6.4** should include the following sentence *"Has the design responded to the comments made during your consultation process?"*

11 Design and Access Guide

Sections **11.1** through **11.4** are generally helpful and well-written.

11.3.5 *"How have you included your neighbours in the design process?"*. This sentence either needs expanding to cover the wider range of stakeholders that might need to be consulted other than just neighbours (see out comments on **10.5.9** above) or could simply be deleted. We would suggest that a sentence should be added along the lines of *"Any report of the results of a consultation should be a fair and unbiased representation of the issues raised"*. We see too many examples of developers picking and choosing from consultations in order to promote their schemes which, ultimately, only adds to any opposition to the scheme. Far better to be fair and explain why any particular negative comments could not be dealt with.

11.5.3 We believe any design and access statement should specifically reference, as part of the brief on "high quality living accommodation", the sizes of the rooms. We have found applications where rooms sizes do not meet minimum standards and this is often difficult to ascertain from the on-line application materials without specific sizes. The minimum room sizes permitted are small and room size is often a cause for complaint and, certainly with families, often a reason given for people moving when they can outside the Borough. The need for more accommodation will undoubtedly also increase with more people working from home. It is important therefore for any application to

set out, when seeking to establish the “high quality living accommodation”, how it does so in respect of appropriate room sizes (and number of rooms).

11.6.4 We are puzzled by the use of the words “*if applicable*”. If the site falls within a specific policy designation, how would not responding to that designation be applicable? We suggest a statement of how it responds should be required and the words “*if applicable*” be deleted.

11.6.4 We are worried that the wording here might downgrade the importance of a Heritage Statement to a couple of paragraphs in the Design and Access Statement. We already see far too many such statements which merely pay lip-service to the Heritage element, often citing irrelevant features of other Conservation Areas.

The proposals in this document do not seem to accord with existing or proposed policy. DM Policy 37.2 requires that development proposals affecting non-designated heritage assets should be accompanied by a heritage statement. Page 157 of the draft LLP states that the Council is “*proposing to require developers to submit a ‘Heritage Statement’*” and that draft policy HE1.C requires proposals for works that could impact a heritage asset to be accompanied by a Heritage Statement. Policies DM37.2 and/or HE1.C should be reproduced here.

In general, more stress should be placed on the need for the Heritage Statement where it is required and, if it is not to be in a separate document, it should certainly be a separate section in the Design and Access Statement, not merely a sub-section of Planning Policy. It equally deserves its own **section 11.7** in this SPD.

The section should also repeat the advice in the draft Local Plan (at para 6.11) that the Council strongly advises applicants to seek the advice of specialist historic environment consultants at an early stage in the design process. The section should also explain that this advice should be to enable the developer to present designs that best preserve the heritage of the area: it is not simply to pay lip-service and find ways around heritage policy.

11.6.4 The statement: “*For listed buildings and buildings in Conservation Areas, you should provide an explanation of how the historical and architectural importance of the building – in particular its physical features and setting– has been considered when designing the proposed development should also be provided.*” is drafted in such a way as to make it unclear as to whether it applies to new-builds and is grammatically incorrect. We suggest it should read:

For listed buildings and buildings in Conservation Areas, you should provide an explanation of how the historical and architectural importance of those building(s) – in particular their physical features and setting(s) – have been considered when designing the proposed development.”

11.6.4 We note that para 65 of the draft LLP requires that “*All development proposals [affecting a heritage asset] should be based on a full understanding of the significance of heritage assets within the site and surrounding area. This should be established by reference to relevant and available sources of historic environment information. This includes the Greater London Historic Environment Record, the Council’s planning and conservation webpages and Lewisham’s Local History Archives. Applicants should consult good practice guidance to assist in assessing various levels of significance, such as that produced by Historic England. We will expect all development proposals to identify and respond positively to those elements that are of high, moderate and low historic significance and those elements that detract from the significance.*” The discussion in this section does not seem to

comply with these requirements and the section should, at the very least, repeat this material as advice to the developer.

It would be helpful if this section gave more details of the minimum that might be expected in a Heritage Statement, i.e. explaining how the proposed development meets the requirements of planning policy and preserves and enhances the Conservation Area. In our experience existing Heritage Statements often fail significantly in this regard.

12 Small Site Sustainability

12.1 Sustainable development also requires that there is no material adverse impact on the existing residential amenity of the area. It is not solely about benefits to the proposed occupants of the new building and this should be made clear.

13 Design Principles

13.2.4 *“In most cases a three-storey development adjacent to a two-storey house with a pitched roof would be supported”*. We object to this as a general statement. A flat roofed building next to a series of buildings with a pitched roof can and often does look extremely incongruous. It is noticeable that none of the drawings in Figures 23 or 24 show an example of this. The sentence should read: *“A three-storey development adjacent to a two-storey house with a pitched roof may be supported where this does not lead to an unsightly roof line.”*

13.2 In discussing building heights, the paragraph should mention window levels. One of the most damaging features of many infill developments is the arbitrary break in the pattern of the horizontal structure by inappropriately placed windows.

13.3.3 In discussing the vision for a healthy Lewisham in our response to the draft LLP we note that the minimum sunlight hours stated are well below what is generally accepted medical advice. The “adequate” levels proposed in **13.3.3** are, in our view, totally inadequate. The Council should have higher aspirations for the health and well-being of its residents and require that developers only reaching the minimum standards should justify how they are nevertheless providing well-designed accommodation.

13.5 The current Local Plan and the draft LLP state that the Borough needs to be able to accommodate those families which require larger homes to reflect the cultural mix of the borough and to accommodate multi-generational living. It is also part of the Vision to be able to accommodate anybody who wishes to remain in the Borough or come to it with the provision of a wide-variety and mix of housing. Whilst the Council would wish to prevent an excess of huge mansions (which developers are unlikely to build in any case in this Borough), the dogmatic statement: *“Homes that are significantly oversized at the expense of overall housing numbers will be resisted.”* is clearly at odds with those laudable aspirations. The size of one property compared with another (or the number of smaller properties that could be forced into a site) is irrelevant: what is important is for homes appropriate to the needs of residents and, as acknowledged in the existing and proposed Local Plans, there is a need for larger family houses rather than one- or two-bed “dormitory” flats. Indeed, post COVID-19, the need for space is not merely a matter of family accommodation and developments will need to reflect the accelerating trend towards home-working. The statement referring to property sizes is inconsistent with Council policy, is outmoded and should be deleted.

13.5.2 This paragraph is welcomed, but it surely should also apply to units which might be lost through conversion or modification as part of a scheme as well as to outright demolition.

13.8.2 Green roofs in the wrong places can look incongruous. They should only be encouraged where the character of the area is appropriate.

13.10.1 The wording here could imply that guidance in this SPD overrides anything within any specific Conservation Area planning. An explicit statement should be added that any policies on Conservation Areas or published guidance on a Conservation Area (such as an SPD or Character Appraisal) takes precedence over any statement in this document. We specifically would not like to see this paragraph being used by a developer to argue, for example, that a flat roofed four storey in-fill development in a Conservation Area of three-storey pitched roofed houses was appropriate (see our comment re **13.24** above) and we do not believe that this is the intention of this paragraph.

13.12.1 We have made reference above (re para 7.7) and in our response to the draft LLP that good PTAL does not mean good public transport. Connectivity (or “accessibility” as used here) does not mean that in practical terms there is public transport available unless there is also spare capacity. Furthermore, whilst north/south connectivity is relatively good; east/west connectivity across the Borough is poor. Equally a family trip on public transport which might be feasible on a summer’s day might be impractical in the middle of a winter’s night. The policy needs to be more sophisticated than is given here. We do accept that for small sites there is unlikely to be a major impact on the capacity, but nevertheless, as a principle, more than mere PTAL rating needs to be considered.

13.12.4 Parking provision, as again we have pointed out above (in our comments on **Box 3.7.8**) and in our response to the draft LLP, cannot just be made for “wheelchair user dwellings” or disabled persons who fit the criteria of blue badge holders. There are large numbers of more elderly people in the Borough, whom presumably the Borough wishes to cater for (the “less mobile users” referred to elsewhere), who need cars for mobility purposes but are not classed as wheelchair users or blue-badge holders. Again, the policy needs to be more nuanced and less categorical than is currently stated here.

13.14 *“Where possible, all waste and recycling should be stored within the curtilage of individual dwellings, and easily accessible from of waste and recycling storage will not be supported”*. This sentence does not make sense.

15 The Green Toolbox

15.6.1 We would suggest adding an observation that solar panels can detract from the visual appearance and value of a property and care should be taken that they are properly integrated into the design or concealed from public view. Developers should be encouraged to consider the alternatives now becoming available.

16 The Inside and Out Toolbox

With reference to space, it is our experience that one of the major issues with flatted and terraced accommodation is the poor stacking of rooms. No matter how good the insulation is, a kitchen next to or over a bedroom is not acceptable. The toolbox should make reference to these issues.

16.6 Care needs to be taken with skylights. The three examples given are of skylights over less occupied rooms but we have come across examples however where skylights are used to illuminate

the whole or part of a kitchen, dining or living room. This has the potential to create major light pollution and other issues for neighbours on higher floors if they are not carefully designed. Reference should be made to this issue in the guidance.

16.11 Despite some good statements elsewhere, particularly in **8.3.6** (which we welcome), this paragraph falls into the architect-language you disparage in **8.3.6**. As we have illustrated above, copying traditional design often works and (referencing the CreateStreets research) is often more appreciated than modern design. Where copying traditional design sometimes fails is when it is a poor copy: parody rather than pastiche (although such designs should not, of course, have been acceptable to the planning officers in the first place). Good quality replication, however, rarely fails.

The statement “*but pastiche – copying traditional design -rarely works*” should therefore be deleted. It is, as we remark, inconsistent with paragraph **8.3.6** and is, in any case, untrue.

The paragraph **16.11** as it stands is an invitation to develop in a style inappropriate to an area using architects or others who would appear to wish to set their individual stamp upon the surroundings or are otherwise incapable of creating good replicas of existing buildings. This thereby damages the uniformity of an area’s street-scape and, incrementally, to the built heritage of the Borough as a whole.

The statement in the paragraph that *modern houses are often described as ‘boxy’* is, however, correct as is well illustrated by the pictures in this SPD in **Figures 13** (very specifically illustrating this **16 and 18**).

17 The PlacemakingToolbox

17.1.1 “*The plainness of an infill house might be the reason you notice the decorative details on the older homes in the street.*” This reads like a justification for a developer to avoid spending money on a proper design which would fit in with the properties around. It is rather like advocating knocking out a tooth because it will make the remaining teeth look better. We acknowledge that in some cases one might prefer a simpler design so that it does not distract from the more decorative older homes, but if that is what is meant that should be said.

17.1.2 This also needs to be strongly caveated. Variety may not be what is required in an area. Some areas benefit from uniformity. Indeed, the next section **17.2** states that repetition creates soothing vistas. One of the reasons for the designation of the Telegraph Hill Conservation Area, and others, was that it was of a “uniform design”.

17.4 The drawing needs attention. It includes a clunky jarring detail which paragraph **17.7.2** states should be avoided.

18 Advantages of Developing your own Land

Figure 71. This is a particularly bad example of a hideous addition to a Victorian property. Please do not include this in the final SPD unless as an example of what should not be done.

18.2 Finding land on which to build

Whilst we understand this section is included to encourage more building in order to meet the Mayor of London's targets, it must be accompanied by an absolute prohibition on garden development and a much tighter control over what is appropriate for infill. We cannot have the position recur that subsisted in the 1980s and 1990 when developers were going around actively trying to buy up garden land and turn it into new development on any pretext whatsoever, often finding any reason they could ("there was a greenhouse there") in order to justify it. Concern over the effects of this "free for all" was a prime driver in the identification and development of many of the Borough's Conservation Areas.

18.3 Choosing an the (sic) right consultant

The heading contains a composition error.

18.3.3 *"Lewisham has many excellent architects with experience of designing and delivering award-winning residential development projects across the borough. Some of the best examples have been included within this document, together with contact details for each practice."* We would not consider that the examples in this document are some of the best. Indeed, we give two illustrations earlier in this paper as to infill and end terrace developments which we believe are better than most, if not all, in the SPD. Most of the buildings, if not all, illustrated in the SPD, would look out of place, for example, in the Telegraph Hill Conservation Area and would be strongly resisted. We accept that this is a matter of individual taste but do not believe that the Council should be recommending individual architectural firms within an SPD. In our view that is exceeding poor practice and may encourage applicants to use architects who are inappropriate for the specific task they require merely because the Council has effectively recommended them. In the public consultation event on this SPD the Council officer said that the Council could not endorse or recommend building contractors and the same must go for architects.

20 Green Space

20.1.2 If a site has *"important biodiversity and ecological functions"* it is highly questionable whether it should be developed at all. This point should be made more clearly.

20.1.4 We do not understand why the Urban Greening Factor (UGF) is mentioned in this document as it only applies for major residential and commercial developments. If it meant to apply to small sites as well the SDP should make this clear. In our view that would be the very minimum requirement: as we stated in our submission to the Mayor of London on the London Plan (copies available on request) the UGF is a flawed methodology which will result in the reduction of good usable green space in London.

20.2 This clarification of policy on green space, including the need to mitigate any losses and prevent prior-destruction (**para 20.2.3**) and the requirement to replace trees in more than 1:1 ratio (**para 20.2.4**), is very welcome. However it should be stated that even a replacement in a 4:1 ratio may not be sufficient if mature trees are lost (it takes many decades to develop full bio-diversity), so each case will need to be looked at on its merits.

21 Mixed use developments

With the exception of this section, the SPD relates almost wholly to domestic development although the title implies it deals with all small site development. Whilst there may be few industrial small site developments (although employment needs suggest that the Borough requires more) there will be instances of infill and corner units which would benefit from a shop on the ground floor in the traditional London street design of past decades. Such units not only work well in an area where this is already the case, but also add variety and an active street front to stand-alone developments. The SPD should deal with this, and give recommendations as to best practice, as we have seen a number of developments in recent years with exceedingly poor and unattractive shop fronts being granted planning permission. The example given in the illustration at **fig. 74** shows a somewhat bland set of flat fronts for the commercial units in a 'boxy' structure.

If these were to be shop fronts, we would expect a more attractive design and would like to see such a design illustrated here. Contrast Dartmouth Road Forest Hill (illustrated at **fig. 74** on page 148 of the draft LLP) with the picture used here to see what a better (although not perfect) active street frontage for commercial/shop units can look like.

23 Heritage

We contributed in 2019 to the Council's consultations over a general heritage strategy. We were informed at the time that this would feed into to the Borough's formulation of its LLP. It is most regrettable, therefore, that the Council's work on this project ceased as a result of COVID-19 and we trust, as we are informed, that it will recommence during Summer 2021. It is most unfortunate that the draft SPD has come out before that policy work was finalised and we trust that, in view of the damage some of the SPD proposals will do to the Borough's heritage, the SPD will not be finalised until the Borough's Heritage Policy has been duly established and incorporated into the draft.

In general this whole section seems to have nothing to say about Heritage and Conservation and a lot to say about modern design and new development. It would be worth the authors of this SPD reminding themselves of the concerns expressed in the draft LLP (page 155) that the historic environment is being damaged by demolitions and new developments, small works such as house extensions and building on back gardens. Such damage can never be reversed and small incremental losses over time can result in the eventual destruction of historic neighbourhoods for future generations.

The existing Development Management Plan DM Policy 36 states:

The Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving or enhancing their character or appearance, will not grant planning permission where:

- a. new development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials*
- b. development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the conservation area*

- c. *development adjacent to a Conservation Area would have a negative impact on the significance of that area.*

The proposals in policy HE2 of the draft Local Plan state that:

Within Conservation Areas proposals for new development (including alterations and extensions to existing buildings) will be supported where they:

- a. *Preserve or enhance the special character and appearance of the Conservation Area having particular regard to:*
- i. *Townscape, buildings, rooflines and the relationships between buildings;*
 - ii. *Plot coverage and open spaces, including gardens;*
 - iii. *Scale, form, elevational hierarchy, fenestration pattern, ornamentation and materials;*
 - iv. *Trees, topography, boundaries and other landscape features; and*
 - v. *Views, from the public and private realm, including streetscape views and views across rear gardens and public open spaces;*

The examples or guidance in this section do not meet these requirements and it is strongly recommended that the section is wholly redrafted with conservation and heritage in mind.

Paragraphs 23.1.1 through 23.1.2 have nothing to do with Heritage. We assume they are misplaced. They should be moved to the section on general design or deleted. The pictures at **Fig 77** and **Fig 144** shows how little that Passivhaus principles have to do with heritage.

23.2.1 and 23.2.2 Conservation is emphatically not about enhancing the character of an area alone, it is about conserving the character of the area: the Cambridge Dictionary defines ‘Conservation’ as ‘the protection of interesting and important structures and buildings, especially from the damaging effects of human activity’. The conservation policies (HE1 in the draft Local Plan) referring “preserving or enhancing” place the priority on preserving not on enhancing. The majority of these two paragraphs are, in our view, fundamentally flawed and an invitation to developers to justify marginalising conservation principles in the name of spurious “improvement”.

23.4.1. This paragraph concludes with a non-sequitur: “*The most successful historic examples used cheaply mass produced mainstream technologies, so we need to consider what the equivalents are today — laser cut metal balcony panels, glazed tiles etc.*”. We do not. We need to consider how we can replicate what was done so successfully in the past and what people so enjoy about it. Again, the use of the phrases like “*laser cut metal balcony panels*” is an invitation, not to conservation, but to marginalising conservation in the name of spurious improvement and, in this case, cost saving.

In our view, the picture at **Fig 80** shows how the back of a Victorian property can be destroyed by modern materials and modern design. That destruction simply should not have been permitted. It creates the type of facadism that the Conservation Movement is constantly fighting against. It would have been quite possible to build an extension which was sympathetic to the original building rather than being “contemporary”. It is all well and good saying it “*responds to modern lifestyles*” but if somebody voluntarily buys a property in Conservation Area they should respect conservation. Living in a Conservation Area comes with obligations to your neighbours and to future generations.

The picture at **Fig 81** also shows how the uniformity of a terrace can be destroyed by an inappropriate development: there would have been little additional cost matching the roof line and

pitched roof of the neighbouring property and installing sash windows. We would suggest that the picture we give above of the extension of the terrace in Arbuthnot Road is certainly a better illustration of conservation than the one provided.

We are deeply concerned that the pictures at **Fig 80** and **Fig 81** will give a wholly incorrect, and dangerous, precedent to developers of what could be allowed within Conservation Areas and will result in more, rather than fewer, disputes between developers and communities over what is acceptable and more, rather than fewer, applications going to Committee.

25 Type Selection

25.4.1 It unclear how Garden Land could be considered as to be another type. A garden will clearly be either a site with at least one street front, or a site with no street frontage, so it will clearly fit into one of the other boxes, but that does not mean that it is developable because it is a garden. The *“Other Type? Garden land is not developable, so consider if the site fits another category”* statement therefore is unhelpful, if not meaningless and should be deleted. It is merely an encouragement to developers to seek to get around the rules protecting green space.

25.4 As stated in our response to the draft LLP, we welcome the preservation of garden space. We consider however it should be extended from “back gardens” to all gardens.

25.4.2 This paragraph is incorrect. The main characteristic of a garden land site is that it was the garden of a dwelling or dwellings as originally designed not *“that its existing use is as a private garden”* (see paragraph 2.251 of the existing Development Management Plan or Appendix 2 of the draft LLP). This is important as developers have often sought to partition and redesignate parts of gardens in order to build on them at a later date.

25.4.3 Again we have great difficulty with both the meaning and intention of this paragraph: *“Development of garden lands should be avoided, so it is important that if you have a site that has the characteristics of garden land, you should also consider if it fits another site type that is suitable for development.”* See our comment on **25.4.1** above. On the one hand the Council appears to be agreeing that garden land is important for the wellbeing of residents, for ecology and for sustainability (recognitions which have only been strengthened by the COVID-19 pandemic). On the other hand, it is encouraging developers to find ways of redesignating gardens so that they are not gardens. This is simply wrong. This paragraph should be deleted.

Fig 90: This seems to show an appalling lack of understanding of the heritage of an area, even if it not a Conservation Area. It may be cleverly slotted in, but it looks totally out of place and must detract from the appearance of the neighbouring property if not the streetscape as a whole.

25.5.3 This paragraph makes reference to advice in “this section”. If this refers to section 25.5 there is no advice given in this section.

26 Infill development – general principles

26 Section **33.1.23** on Backland Development explicitly, and correctly, states that *“Where development is proposed within Conservation Areas, the accompanying character appraisal takes precedence and applications should demonstrate how proposals are in accordance with it.”* This statement should apply equally to all infill development. Indeed, DM Policy 36.1 requires it. We

imagine this is an oversight and that a similar paragraph should be included here in **section 26**. The danger is that, otherwise, developers might infer that Conservation Area Character Appraisals are only relevant to Backland development.

DM Policy 33.5, inter alia, requires that infill developments must “*repair the street frontage*” and “*respect the character, proportions and spacing of existing homes*”. Many of the examples shown do neither. Street extensions and side street developments clearly do not, and cannot, repair the street frontage unless there was something there before. Most of the illustrations show building upon gardens which were not previously built upon, they cannot therefore comply with existing policy DM33.5f.

Fig 93. Again a picture has been given of a bad example. As paragraph **26.31** states: *Lewisham’s planning policy requires that all new infill development [should] ...respond to the “distinctive qualities of the street” and be “sensitively integrated into the street frontage”.* (Draft LLP, Policy QD11). The illustration shows a property which is neither. The doors and windows are flat square ugly gashes, there is no ornamentation, the brick bonding is wrong, the roof is of the wrong material, the windows are casement rather than sash, and there is a skylight which none of the other properties have. It is inconceivable that the architect could not have designed something which matched.

There are positive examples of new development, even within Conservations Areas, which respect and celebrate the existing heritage architecture of those areas. Invariably, these are faithful representations of the long established adjacent buildings, but with the advantages of the modern environmental insulation etc which improve without changing the existing style. We give examples in our two illustrations above re para 10.3.6 and figures 13 and 14. They blend seamlessly and enhance rather than change the existing area design rules. Never could they ever be regarded as ‘pastiche’ (in the way that some applicants and the draft SPD use at **16.11** the term) for they seamlessly recreate the existing much-loved architecture. ‘Patische’ used in that (incorrect) sense is a term is much more appropriate for the modern buildings currently illustrating your draft, which in many cases include a nod toward the past while overwhelmingly destroying the harmony of the existing lines of properties with the inclusion of lots of other conflicting styles in a poorly thought our jumble and which we would regard as, as we have said above, as ‘parody’.

Fig 94. The best one can say of this is that it is worse than **Fig.93**. This should not be given as an illustration of good practice.

Fig 95. We would question the use of the word “*repaired*”. The word implies restoring something to its good or original condition. The example given does not accomplish this. It may be an instance where something is improved or enhanced but it is not a repair.

27 New infill homes on vacant land

27.2 In discussing building heights, rhythm and appearance, the section should mention window levels. One of the most damaging features of many infill developments is the arbitrary break in the horizontal structure by inappropriately placed windows.

Fig 102. At this point our ability to repeat ourselves fails. This building is wholly out of place and fails to respond to the vernacular of the area in any way. We would hope that this would not be permitted in Lewisham. It shows a very bad example and should not, as with a number of the other pictures, be allowed to remain in the document in case developers are given the mistaken

impression that such developments would be acceptable and would not finish up with an inevitable challenge at a planning committee.

Fig 107. At last, after 106 illustrations, there is one, just one, of a development which can be said to harmonise with the area and respond sympathetically to the local vernacular.

27.3.7 We strongly object to this. A flat roofed building next to a series of buildings with a pitched roof usually looks extremely incongruous. The definition of a storey should not include pitched roofs and where pitched roofs are the dominant feature in a clear prevailing roofline, the infill development should have a pitched roof. Anything else is unacceptable.

27.3.7 The word “*significantly*” can be interpreted in many ways and, should the allowance to treat a roof as a storey be allowed despite our strong objections, even a small additional increment to the height could overwhelm and dominate the surrounding buildings. We would suggest that “*significantly*” should be specified to be “no more than 5%” if the additional storey is not permitted, and the phrase replaced by an absolute bar on exceeding the existing property heights if allowing an additional storey, despite our strong objections, remains as policy. We note that the word “*significantly*” used in paragraph **27.3.9** seems to refer to buildings which are at least two storeys taller than the surrounding buildings. It would therefore seem that “*significantly*” in paragraph **27.3.9** has different meaning to that in paragraph **27.3.6** and this can only lead to confusion, more cases going to committee and more appeals. The use of vague terminology word needs to be reconsidered and the usages in paragraphs **27.3.7** and **27.3.9** (and possibly elsewhere) differentiated.

27.3.8 In our view any development which exceeds the height of its neighbouring properties needs to be justified by being of considerable quality. Taller buildings, as stated in **27.3.9** then need to have a further degree of care applied in their design. In general, the more a building deviates from the norm for its area and the local architectural typology, the greater the justification required.

27.3.8 The illustration at **Fig. 110** shows how over-dominating even one additional storey could be if this policy were to be applied without due consideration as to its appropriateness, particularly if the pitched roofs are to be treated as a “storey”. We consider the categorical statement that such development is appropriate without due consideration of the specific circumstances to be dangerous to the appearance of our urban environment. At most, we would consider four storeys including any pitched roof to be the maximum acceptable, as in the illustration at **Fig.101**.

27.3.8 The statement that “*a new development can be up to a storey taller than neighbouring properties*” is ambiguous and need further consideration. In the example give in **Fig.110** the property shown as the new build does not meet this criterion. It is one “storey” (assuming the definition of a storey as including a pitched roof) higher than one of the adjoining properties: it is however more than one storey taller than its neighbours. It is in fact two storeys (or on the common understanding of a storey, three storeys) taller than one of its immediate neighbours and of four out of five of the neighbouring properties shown.

27.3.9 See our comments on paragraph **27.3.7** above for the confusing use of the word “*significantly*” in these two paragraphs. This requires resolution.

Fig 111. This example was also given in the draft LLP and we commented there on how inappropriate it was. There is no element of the design which harmonises with the properties on

either side of it and it manages to make a statement which detracts from both those properties and the streetscape in general. This is a bad example of what should be acceptable as infill in a terraced street given that there is little else on design in this section.

27.4. Particular reference needs to be made here where the infill is between properties of identical design (where, for example, a house may have been destroyed by a bomb or demolished due to structural issues). In these cases, an exact duplicate, as to external appearance, of the existing properties on either side should be required. If modern building regulations make this impossible then any planning application should be required to set this out in considerable detail and justify what changes have been made to the ideal original design to accommodate those.

28 Infill Development – Street Extension

As we have stated in our fundamental objection above, we strongly object to the type of infill development as illustrated in **Fig 117**. It is clearly utilising back garden space.

The definition of a back garden in the existing Development Management policies and the draft Lewisham Plan is quite explicit: “*Private amenity areas that were the entire back garden of a dwelling or dwellings as originally designed.*” The garden highlighted in red in **Fig 117** is clearly the back garden of the house on ‘Primary Street’.

Existing DM Policies define infill development as “*Development that generally takes place on sites within street frontages such as former builders yards, small workshops and garages, gaps in terraces and gardens to the side of houses.*” Whilst we accept that a back garden of one house may be to the side of another house, it does not mean that the clear policy against back garden development is to be over-ridden.

Draft Policies QD11F and G read as follows:

F Garden land makes an important contribution to the character and amenity of Lewisham’s neighbourhoods, and often has biodiversity value. The use of garden land for new development should therefore be avoided.

G Proposals that would result in the loss of garden land, including private back gardens, will be strongly resisted. This includes the development of back gardens for separate dwellings in perimeter forms of housing. The loss of garden land will normally only be considered acceptable in exceptional circumstances where:

- a. The proposal is for comprehensive redevelopment of a number of whole land plots; and*
- b. The requirements of (A) above are satisfied.*

We cannot see how any type of development which results in the loss of considerable garden space can be justified or supported either under this policy or the more general statement of intent in the proposed plan which says:

Garden land, including back gardens, make an important contribution to local character and amenity and often have ecological value. Development on garden land should therefore be avoided in favour of development opportunities elsewhere in the Borough, particularly on brownfield sites and previously developed land, consistent with the spatial strategy for the Borough.

We accept that the Explanatory notes to proposed policy QD11 appear to scope in back gardens which are adjacent to side roads into the infill policy, and we have objected to that, but the principal policy statement does not do that and should take precedence.

In addition to the pivotal social, ecological and environmental considerations, the role that gardens play, the views across back gardens, and the open vistas they provide, are a fundamental part of the Victorian nature of significant parts of the Borough. We have, in our fundamental objections above, quoted the Telegraph Hill Conservation Area Character Appraisal which forcibly makes this point. The approach adopted in the SDP will irreparably change for the worse both the nature and attractiveness of the Borough for residents.

Infill development as street extensions is permissible on genuinely brownfield sites but not on gardens or former gardens. If, despite our strong objections here, this perverse description of a back garden is retained, Conservation Areas must be scoped out of such infill development of back gardens in order to prevent the wholesale destruction of the Borough's heritage.

Where such extensions are permitted (i.e. in our strongly held view on non-garden sites only or, alternatively, only outside Conservation Areas), the design should follow the principles we have set out regarding **27.4** above. An exact duplicate, as to external appearance, of the terrace being extended should be required unless building regulations make this impossible. **Fig 118** is another vivid illustration of what happens if this policy is not adopted, with a clearly incongruous building tacked on to the end of the existing terrace. Again we would refer you to the example we give of Arbutnot Road illustrated in our picture above where a much more satisfactory design was used to extend the terrace. This was, we would add, after long negotiations between the Telegraph Hill Society and the developer and two failed applications (after our objections) for more modern designs on the site. Should the guidance in this document be put into place we fear that there will be the possibility for significantly more inappropriate extensions being allowed when, with the right policies in place, a much better result could be achieved.

Fig 116 provides a slightly better example of an extension but we would still dispute whether it was sufficiently well design to be considered to be "*within a consistent context*": the windows appear to be of a different size and design, while the porch-like extensions over the ground floor windows are of dubious design quality and no perceptible utility and are not a feature of other properties in the terrace.

Fig 123 merely confuses. How this could ever have been permitted in a street of clearly Victorian houses is beyond our comprehension.

28.3. The illustrations provide here also seem to utilise back gardens. As indicated in our Fundamental Objections and in more detail immediately above, we strongly object to this, the more so, if it were in a Conservation Area or areas where shared views and vistas are important to the appearance of the area.

Fig 130. Again this illustration seems to show a singular lack of appreciation of the local Victorian typology of the properties in the area and would be objected to both under current and proposed local plans.

Figs 130 to 133 These figures also seem to propose building on the back garden of a property. Again, see our comments immediately above.

We note that in **Fig.133** the corner development which is one storey taller than the neighbouring properties (if the top storey is a pitched roof) or two storeys higher if it is not, is said to be “marginally taller”. We consider this a wholly unacceptable use of the word “marginally”. A building which is 25% taller than its neighbours can hardly be said to be “marginally” taller. Indeed, it would seem that “marginally taller” is taller than “significantly taller” used earlier in the document. In order to avoid potential disputes and appeals, we would strongly suggest that the terminology in this draft SPD is reviewed for consistency and all potential ambiguities removed.

Fig 134. The example shown in this picture is “significantly” rather than “marginally” taller than its neighbours and, if the picture is to be retained, the caption needs to be modified accordingly.

We note and approve of the sentiment in **29.2.9** that “*All planning applications for corner infill development should demonstrate how their design positively responds to an understanding of local character and its immediate context*”. We do not see how the developments in **Figs. 134, 136 and 137**, whatever their design merits, can be said to respond to an understanding of the local character and immediate context and would be interested in how this was justified by the applicants and how the planners (or councillors) felt they could accept the justification. It might be helpful, therefore, if this SPD could set out in detail what “*responds to an understanding of local character and its immediate context*” means, as clearly views differ strongly.

30 Infill Development – Side street development

Our objections to this section are a repeat of those relating to section 28 above. **Figures 142 and 144** show the potential that such development has to destroy the uniformity, original design and appearance of an area and why they should not be permitted.

30.1.13 We categorically disagree that a “*creative architectural response is usually required to make the best use of these sites*”. What is often required in such sites (where such development is allowed) is a design which is sympathetic to the existing urban heritage and does not stand out like a sore thumb. A sympathetic architectural response is required, not a creative one. Much less, in such prominent areas, do residents want “creative” or “landmark” developments which some architects are so fond of and which only look good on their websites. The paragraph appears to be written without consideration of the sentiment of paragraph **8.3.6** where architects are urged to shake off the inhibitions they have with regard to referencing the past and to embrace rather than ignore it.

Paragraph 2.256 of the existing Development Management is worth quoting in this section, if not throughout: “*Infill and backland development needs sensitive design in order to not detract from the character of the street scene, the architectural integrity and scale of adjacent buildings or from residential amenity*”.

31 Infill Development – Vertical intensification

We are particularly concerned over the impact that these proposals may have if adopted in a Conservation Area and we believe that Conservation Areas should be explicitly excluded from such development.

Additional storeys can be added in the appropriate circumstances outside Conservation Areas but they need to be very carefully designed. Badly design ones have an impact not only the host

building but on the area as a whole and tend to lead to further poor intensification later. Once one part of an area has been so damaged, the rest eventually follows. The SPD should make it clear that there is an onus on the applicant to ensure that any proposed new development is harmonious and respectful of the existing property and its surroundings and is of an exceptionally good design. In our view, the example in **Fig.166** is one of the few in the whole SPD that successfully meets these criteria.

Section **31.2** (in paragraphs **31.2.4** and **31.2.6**) gives guidance on streets with a varied character and height but there appears to be no specific guidance on properties in streets with a uniform character unless **31.2.5** is meant to apply to all. This omission needs to be rectified. We believe that paragraph **31.2.4** may be intended to apply but has been incorrectly drafted. If this is the case, we would object to the wording as vertical extensions in a uniform streetscape should not be allowed unless there is overwhelming proof that it will not be harmful to local character. If **31.2.5** is intended to all vertical intensification, then we further object to this paragraph (see below).

31.2.3 We welcome the statement that a net loss of family homes will not generally be supported.

31.2.5 For the reasons stated above (in our paragraph relating to Design Principles: **13.2.4**) we do not consider that that pitched roofs should be considered to comprise a storey, particularly where this allows another, flat roofed building to be built beside it. This can result in extremely damaging and incongruous development.

32 Backland – General principles

We note that the illustration used here **Fig 169** is the same as used on page 138 of the draft Lewisham Local Plan. We commented in our response to that draft in respect of this illustration that *“The illustration of backland development is unsympathetic given the buildings on either side of it”* and that *“We are extremely worried that such illustrations will be taken as indicative of what is considered to be ‘good’ design, accepting again that some people may think it is. Either a broader range of illustrations needs to be given or, and this may be preferable given the size of the document, all illustrations should be removed. If illustrations are to remain, a caveat should be given that they do not necessarily represent best practice.”*

Section **33.1.23** on Backland Development explicitly, and correctly, states that *“Where development is proposed within Conservation Areas, the accompanying character appraisal takes precedence and applications should demonstrate how proposals are in accordance with it.”* We do not understand why this statement is only made there and does not apply equally to all backland development as a general principle. We imagine this is an oversight and that this paragraph should appear here in **Section 32** applying to all Backland Development. The danger is that, otherwise, developers might infer that Conservation Area Character Appraisals are only relevant to Backland Development.

33 Backland – Garages and yards

33.1.8 This paragraph repeats the mantra that high levels of accessibility to the public transport network is all that is required and that developments which propose car parking will not generally be supported. We repeat, as we say above in response to paragraph **7.7.1**, connectivity is a poor determinant for development on its own. Connectivity does not take into account capacity and, in the north of the borough, whilst the connectivity (north/south) is relatively good, the capacity for more people to use the network is extremely limited. There is no point having connectivity if the

services are unusable because of capacity constraints nor will public transport connectivity necessarily be the most important factor for families when deciding where they wish to live: parking, for visiting grandparents if not themselves, may well also be a major determinant.

Nor can parking provision just be made for “wheelchair user dwellings” or disabled persons who fit the criteria of blue badge holders. There are large numbers of more elderly people in the Borough, whom presumably the Borough wishes to cater for (the “less mobile users” referred to elsewhere), who need cars for mobility and independent living purposes but are not classed as wheelchair users or blue-badge holders. We refer in our comments concerning **box 3.7.8** to the inconsistency in seeking to provide housing for residents throughout their lives and the policy of providing too much in the way of the car-free housing which is only suitable for, or desired by, a fraction of the population.

As stated above, the policy needs to be more sophisticated, and less categorical than is stated here.

35 Other Types – general principles

35.2.2 As stated above in our fundamental objections, we strongly object to the idea that garden land should be reclassified as infill or backland sites “*which are more favourable development opportunities*” or that developers should be encouraged to think that way. This is totally contrary to the Local Plan which is confirmed in paragraph 35.2.1 of this SPD that states “*As set out in the Local Plan, the development of garden lands should be avoided as they ‘make an important contribution to local character and amenity and often have ecological value. Development on garden land should therefore be avoided in favour of development opportunities elsewhere in the borough, particularly on brownfield sites and previously developed land, consistent with the spatial strategy for the borough.’*”.

It is therefore extremely ironic that, in the same section of this SPD, the Council extols the virtue of not developing garden land and then goes on to encourage developers to reclassify what is obviously garden land as something else in order to allow it to be built upon.

Fig 188. Given the importance of green open space to the wellbeing of both residents and the environment as a whole and given the Council’s policies in these areas, it is wholly unacceptable that an illustration should imply that a public green open space should be used as a place for new homes even if it is dismissed by the Council as an “*awkward green verge*”. For example, the Council might note the value placed by local residents to the small patch of land at the foot of Duncombe Hill and the active protests and controversy around the proposals to build upon it.

As for the other sections of this part of the SPD, this section should also state that “*Where development is proposed within Conservation Areas, the accompanying character appraisal takes precedence and applications should demonstrate how proposals are in accordance with it.*”

APPENDICES

2 Glossary

We note that many of the terms here are given slightly different meaning to those in the draft Local Plan e.g. **Amenity**

Draft Local Plan: Element of a location or neighbourhood that helps to make it attractive or enjoyable for residents and visitors;

SPD: the overall character of an area, for example: open land, trees, historic buildings and how they relate to each other.

We have not had the capacity to identify all inconsistencies but any inconsistencies between the two documents as to the meanings of fundamentally important words, the definitions of which may be relied upon by either developers or those objecting to developments, is fraught with danger. The glosses for each word which is common between the two documents should be aligned, even if the SPD gloss expands on the term.

The gloss for **Back Garden** used in the Existing and Draft Lewisham Local Plans should be imported here: *"Private amenity areas that were the entire back garden of a dwelling or dwellings as originally designed."* **Garden** should also be defined.

4 Ward Maps

Fig 20. Telegraph Hill Ward. We do not understand the blue dot on the Somerville Estate which seems to imply that it is a "non-urban area" unless there are symbols missing from the legend. We note that this symbol is missing from equivalent map in section 5 (**Fig. 8**).

6 The Customer Journey

This whole section appears to be an add-on which has been poorly thought through and drafted.

The preamble at **6.1** states that *"It may be useful to think about the various parties involved in small site development, be they owners, developers, neighbours, community groups, as 'customers'."* This is true, but the diagram itself excludes any reference to the neighbours' or community groups' journeys. Indeed, the paragraph further down states *"The diagram, right, describes some of the key stages and activities in the customer journey of an owner or small developer"*. In fact that is also not correct, as we explain below as the last stage is not part of the owner's or small developer's "journey" at all but Lewisham Council's. More importantly, there are no diagrams in this document which deal with the neighbours or community groups as customers despite the fact that it is essential to scope them into the planning process. The example of the Mais House judicial review must surely illustrate this strongly.

We would be happy to provide a customer journey from the point of a Conservation Society.

Para 6.1 states that *"Lewisham planners will need to take on an active role in promoting the benefits of small site development"*. That is not the role of the planners who are involved in determining each separate planning application on its merits, although it might be the role of others within the Council. If planners involved in the planning application process cease to be impartial and take on the role of promoters of development we foresee considerably more applications going to Judicial

Review. In order to retain the trust of the community, it is fundamentally important that planning officers are, and are seen to be, impartial.

If there is to be an explanation of what staff within the planning department will be expected to do to promote a developer's interest, we would also expect, in fairness, a document, possibly separate to this one, to explain how objections may be made, to engage and educate individuals and community groups as to how they can object to applications, provide tips to them on that, and to indicate how hurdles can be put in the way of developments that those individuals or organisations feel are inappropriate. If the Council does not feel the staff of the planning department should help those groups, then it should, equally, not help developers.

The "**Design and Planning**" section includes a number of important errors and omissions:

- There is no mention of consultation with neighbours, Conservation Societies, other Statutory Consultees (if appropriate) or community groups, which is a shocking oversight on the part of the authors of this "journey", particularly as the SPD advocates involvement of the neighbours if not the other groups and the final section "**Post Construction**" states "*Lewisham [sic] measures success of outcome, including local community responses.* Neighbours and community are mentioned at an earlier stage ("**Choice Discussion, Purchase**") but only that the developer should consider the prospective development from the "*point-of-view*" of neighbours and community, not that any actual consultation should occur.
- It states that the developer should incorporate feedback from planners. There is, in fact, no obligation for the developer to do so, although it may impact on the potential outcome of any application if they do. However we are aware of at least one example where the changes proposed by the officers in pre-application consultation resulted in an amended application being challenged and withdrawn.
- It fails to mention taking account of any other consultations were carried out (unsurprisingly perhaps since the need for consultation has been omitted) and modifying designs where practical to meet any objections from consultees.
- Whilst the SPD makes the point that design and consultation is an iterative process, the "journey" appears to suggest that it is linear. In fact, if there are major changes to a scheme during the Design and Planning stage, it may be necessary to consult a second time or more.
- It states "*Designer develops design for planning and submits [application]*". Whilst this may be what happens in practice, the application is the legal responsibility of the applicant/"customer" and this should be made clear.

In our view there should be more emphasis placed in this "*journey*" on the planning process and mention should be made of the initial vetting process, the public consultation (and the obligation on the developer to post a notice of this), the assessment of the application by the Council, the possible public hearing in committee if there are objections which cannot be resolved, and determination.

The first sentence in the "**Post-Construction**" section says "Project is occupied, providing new homes for Lewisham". This seems odd as the SPD deals with all development on small sites, not just "new homes" which, in any event, are in Lewisham but not for Lewisham.



It is not clear what is involved in the “**Post-Construction**” phase which seems mainly to relate to the Council rather than the Developer, although the Council are not listed as “*the customer*” in paragraph 6.1. We are not aware of how the Council measures outcomes nor what is meant by adjusting its processes. We hope that this does not mean that the Council is intending to look at the success or failure of planning applications and adjust its processes to ensure more applications succeed (or fail). Success or failure should be based upon whether the development meets planning requirements or not, and that should depend on the quality of the applications not on the process. We are aware, of course, that some applications have been refused and then they have been allowed on appeal, and that in other cases, applications had been allowed where clearly due process, and policy, was not followed by the Council and legally challenged. If consideration of these is what is envisaged by this section, then we would welcome that and would also appreciate involvement in that process. If it meant to imply periodic review of the suitability of SPDs and other guidance or the need to add Conservation Areas or extend Article 4 directions, that would also welcome. More clarity is needed however as to what is meant by this.

CONCLUSION

We have grave concerns about this document which we do not believe should be approved by the Council in its current form for the manifold reasons we have given. A Small Sites SPD is needed and there is some helpful material in this draft, but there is also a significant amount of material which is misguided, wrong or inappropriate. The potential damage to the heritage of the Borough that could be caused by the adoption of the SPD in the proposed form cannot be understated.

In addition to the fundamental objections we have given, we have identified significant inconsistencies as well as numerous examples where poor practice is suggested or can be inferred. The bewildering range of inappropriate photographs mostly do not represent good practice and are likely to result in much greater misunderstanding and an increase in costly disputes between neighbours and at Council planning committees.

We stand ready to assist with the many improvements we believe it is essential to make, including providing further editorial assistance or selecting better photographic illustrations, if this would be helpful.

This response has been prepared by the Committee of the Telegraph Hill Society. Enquiries in the first instance should be addressed to the chair, c/o 92 Jerningham Road, London SE14 5NW or by email to ths@baccma.co.uk
