

OVERVIEW & SCRUTINY COMMITTEE

Monday, 18 January 2016 at 7.15 p.m., Room C1, 1st Floor, Town Hall,
Mulberry Place, 5 Clove Crescent, London, E14 2BG

This meeting is open to the public to attend.

Members:

Chair: Councillor John Pierce

Vice Chair: Councillor Danny Hassell

Councillor Mahbub Alam

Councillor Amina Ali

Councillor Peter Golds

Councillor Denise Jones

Councillor Md. Maium Miah

Councillor Oliur Rahman

Councillor Helal Uddin

Scrutiny Lead for Adult Health and Wellbeing

Scrutiny Lead for Law Probity and Governance

Scrutiny Lead for Communities, Localities &
Culture

Scrutiny Lead for Resources

Scrutiny Lead for Development and Renewal

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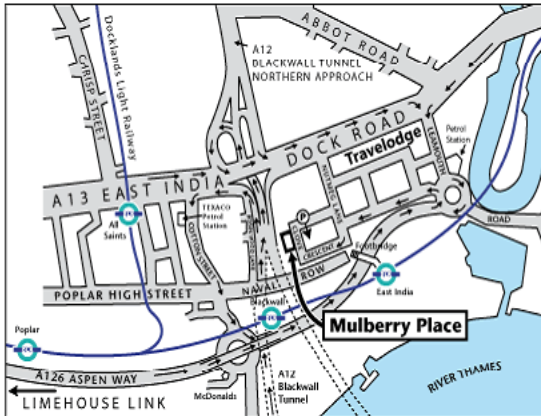
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1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

1 - 4

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from Melanie Clay, Director, Law, Probity and Governance.

3. REQUESTS TO SUBMIT PETITIONS

To receive any petitions (to be notified at the meeting).

4. UNRESTRICTED REPORTS 'CALLED IN'

No decisions of the Mayor in Cabinet 5th January, 2016 in respect of unrestricted reports on the agenda were 'called in'.

5. UNRESTRICTED REPORTS FOR CONSIDERATION

5.1 Challenge Session Progress Update - Planning in Conservation Areas: The implications of conservation areas on the extension of family homes

All Wards

5 - 54

5.2 Budget Scrutiny

All Wards

The Budget 2016/17 [Document Pack](#) has been circulated separately.

In addition, the responses to Overview and Scrutiny queries on the Budget from the 2nd November, 2015 will be published and made available prior to the meeting.

6. VERBAL UPDATES FROM SCRUTINY LEADS

(Time allocated – 5 minutes each)

7. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

To consider and agree pre-decision scrutiny questions/comments to be presented to Cabinet.

(Time allocated – 30 minutes).

8. ANY OTHER UNRESTRICTED BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

To consider any other unrestricted business that the Chair considers to be urgent.

9. EXCLUSION OF THE PRESS AND PUBLIC

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

EXEMPT/CONFIDENTIAL SECTION (Pink Papers)

The exempt committee papers in the agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

SECTION TWO

WARD

**PAGE
NUMBER(S)**

10. EXEMPT/ CONFIDENTIAL MINUTES

Nil items

11. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'

No decisions of the Mayor in Cabinet 5th Cabinet in respect of exempt/ confidential reports on the agenda were 'called in'.

12. PRE-DECISION SCRUTINY OF EXEMPT/ CONFIDENTIAL) CABINET PAPERS

To consider and agree pre-decision scrutiny questions/comments to be presented to Cabinet.

(Time allocated 15 minutes).

13. **ANY OTHER EXEMPT/ CONFIDENTIAL
BUSINESS THAT THE CHAIR CONSIDERS
URGENT**

To consider any other exempt/ confidential business that the Chair considers to be urgent.

Next Meeting of the Overview and Scrutiny Committee

Monday, 1 February 2016 at 7.15 p.m. to be held in Room C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE INTERIM MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Interim Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Interim Monitoring Officer following consideration by the Dispositions Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Interim Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Melanie Clay, Director, Law, Probity and Governance 020 7364 4800


APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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Agenda Item 5.1

<p>Non-Executive Report of the:</p> <p>Overview and Scrutiny Committee</p> <p>18th January 2016</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Melanie Clay, Director of Law, Probity and Governance Aman Dalvi, Corporate Director Development and Renewal</p>	<p>Classification: Unrestricted</p>
<p>Challenge session progress update - planning in conservation areas: the implications of conservation areas on the extension of family homes</p>	

<p>Originating Officer(s)</p>	<p>Owen Whalley, Service Head Planning and Building Control</p> <p>Louise Russell, Service Head Corporate Strategy and Equality</p> <p>Vicky Allen, Strategy, Policy and Performance Officer</p>
<p>Wards affected</p>	<p>All</p>

Summary

This report follows up from the scrutiny challenge session on planning in conservation areas: the implications of conservation areas on the extension of family homes scrutiny, which went to Overview and Scrutiny Committee (OSC) in January 2015. This report reviews the progress against the original recommendations.

Recommendations:

The Overview and Scrutiny Committee is recommended to:

1. Note the report findings.

1. DETAILS OF REPORT

- 1.1 The challenge session took place on 17th November 2014. Overview and Scrutiny members identified a concern amongst some residents that the planning constraints in conservation areas are adversely affecting the ability of homeowners to remain in the borough as their families grow. This is due to planning controls over extending properties within conservation area. The issue predominantly affects Victorian and Edwardian terraced properties, with the majority of these properties being in a conservation area. Tower Hamlets has 58 designated conservation areas, covering around 26 percent of the borough's land mass.
- 1.2 The focus of the challenge session was therefore to see if a middle-ground could be found between preserving the special character of conservation areas and finding solutions for modern family living. The challenge session looked to explore what changes to planning policy, practice or procedures could be made to address these concerns, whilst still protecting the character of Conservation Areas. The session was led by Cllr Joshua Peck, then-Chair of Overview and Scrutiny.
- 1.3 The objectives of the challenge session were to answer the following questions:
- What changes to planning policy or practice are possible, which still protect the character of conservation areas;
 - What improvements could be made in the planning application process in relation to extensions in conservation areas.
- 1.4 The report made six recommendations which were agreed by OSC and by Cabinet. The body of this report outlines the progress against these recommendations. The original report with recommendations and the action plan which accompanies the report is attached as **Appendix 1**.
- 1.5 All of the recommendations set out in the Action Plan are progressing, albeit with some delays. The following provides a summary of progress to date. These bullet points are followed by a more detailed update on each recommendation.
- **Recommendation 1** this recommendation is a catch all and sets out the overall aim of the project, that is to recognise the detrimental impact that some planning restrictions are having on residents and the social capital of an area and redress the balance in favour of planning applicants, whilst still seeking to protect and enhance the Borough's heritage. The service has taken this forward through the detailed Actions set out under Recommendations 2 to 6. An update on their progress is provided below.
 - **Recommendations 2, 4 & 5** actions are being progressed, as part of the preparation of the new Local Plan. The stages of the new Local Plan are different to the dates originally envisaged. Consultation on the

Draft Local Plan is anticipated in September 2016 rather than August 2015. This is when a weight can arguably be applied to the draft policies. The adoption date for the new Local Plan is now Autumn 2017 rather than March 2017. This is when the existing policies are replaced.

- **Recommendation 3** is being taken forward through a refresh of eight identified Conservation Area Character Appraisals in the form of approved Addendums. Consultation on the relevant draft Addendums began in November 2015 and not October 2015, as the action set out. The Action Plan anticipated that public consultation, consideration of the comments received, document review, Cabinet approval and publication would all take place between October and December 2015. However, following an 8 week public consultation to 18 January 2016, officers anticipate that May 2016 is the earliest date for completion, providing that there is no fundamental change to the methodology and approach taken.
- **Recommendation 6** was to prepare a new Supplementary Planning Guidance (SPG) for mansard roofs. This is being progressed in the form of a Guidance Note for Mansard Roofs. Consultation on the draft Guidance Note began in November 2015 and not October 2015, as the action set out. The Action Plan anticipated that public consultation, consideration of the comments received, document review, Cabinet approval and publication would all take place between October 2015 and February 2016. Following an 8 week public consultation to 18 January 2016, officers anticipated that a Guidance Note can be published as scheduled in February 2016, providing that there is no fundamental change to the methodology and that Cabinet approval is not required.

1.6 **Recommendation 1:** The Council should recognise the detrimental impact that some planning restrictions are having on residents and the social capital of an area and redress the balance in favour of planning applicants, whilst still seeking to protect and enhance the Borough's heritage.

1.7 **Service comment at action planning stage:** This is the priority, and the Scrutiny Action Plan sets out the steps to be taken to support the accommodation needs of growing families who wish to continue living in Conservation Areas. The service drew up two actions to support the implementation of this recommendation as follows:

- Write a Delivery Plan outlining the programme of activities for the eight Conservation Areas with family dwelling houses where householders submit the most planning applications (April 2015)
- Implement the actions in the Delivery Plan for these eight Conservation Areas to help meet needs of expanding families to increase the size of family houses, ensuring, at the same time, proposals also preserve the character of these Conservation Areas (starting April 2015 – March 2017)

1.8 **Update from service:** Following the approval of the recommendations of the of the scrutiny report to Cabinet in April 2015, officers prepared two Delivery

Plans to take forward recommendations 3 and 6 respectively. They outline the programme of activities for the eight Conservation areas with family dwelling houses where householders submit the most planning applications. Those conservation areas covered are Chapel House, Driffield Road, Fairfield Road, Jesus Hospital, Medway, Tredegar Square, Victoria Park and York Square. The Delivery Plan has been monitored and updated regularly to reflect progress and to incorporate feedback from the Lead Member. The Delivery Plan is included in **Appendix 2** and **Appendix 3** of this report. The Delivery Plans may be further amended in response to the feedback received at the consultation stage.

- 1.9 As identified in 1.5 above, the actions relating to recommendations 2, 4 and 5 are being progressed as part of the Local Plan. The Delivery Plan for the Local Plan is published, as part of the Local Plan preparation and monitoring process and can be viewed on the Council's website in the Annual Monitoring Report and Local Development Scheme. A summary of this is set out for information in paragraph 1.15 below.
- 1.10 **Recommendation 2:** Amend DM27 to:
- be more permissive towards extensions, particularly mansard roofs within Conservation Areas;
 - be more specific about what may and may not be appropriate within individual Conservation Areas (rather than having a blanket policy); and
 - rely more strongly on the individual Conservation Area Assessments for decision-making on extensions
- 1.11 **Service comment at action planning stage:** The review of Policy DM27 will take place through the Local Plan Review process. The review will include an audit of buildings in relevant Conservation Areas. The process for reviewing the Local Plan is set by Statute. However the consultation process on draft policy, including DM27, gives 'weighting' to that policy and the policy can therefore be used as part of the Developing Management Process at consultation stage. Five actions were drawn up by the service to implement this recommendation:
- Engagement Draft of Local Plan (including DM27) for public consultation (by August 2015)
 - Public consultation on Submission Document of Local Plan (by January / February 2016)
 - Proposed Submission Draft of Local Plan (including DM27) to Secretary of State (by July 2016)
 - Examination in Public (by September / October 2016)
 - Local Plan report to Cabinet and Full Council for approval (by early 2017)
- 1.12 **Update from service:** This recommendation is directly linked to the preparation of a new Local Plan, which is underway. Originally the five actions drawn up by the service in late 2014 to implement this were to be carried forward in line with a time table for a review and partial update of the existing Local Plan. However, since this time and the election of the new Mayor and administration in June 2015, it has been agreed that a new Local Plan will be prepared. This change in approach has resulted in changes to timetable for the publication

and adoption of the new Local Plan, which has obvious knock on effects for the review of this policy in line with the agreed recommendation and actions. The most up to date Local Plan time table is set out below:

- April 15 - June 2016 – evidence gathering to support policies in the Draft Local Plan (including consideration of DM27 and basements)
- December 2015 – Initial pre-Local Plan engagement document 'Our Borough; Our Plan' published for consultation
- Sept 16 – publication of Draft Local Plan for public consultation
- Publication of Submission Document of Local Plan (Winter 2016/2017)
- Proposed Submission Draft of Local Plan (including DM27) to Secretary of State (Winter/Spring 2017)
- Examination in Public (Spring/summer 2017)
- Autumn 2017 – Local Plan adopted

Consultation on the Draft Local Plan is anticipated in September 2016 rather than August 2015. This is when a weight can arguably be applied to the draft policies. It should be noted that weight that can be applied to the draft policies increases from this stage to adoption. The adoption date for the new Local Plan is currently Autumn 2017 rather than March 2017 as originally anticipated. This is when the existing policies are replaced.

1.13 **Recommendation 3:** Individually refresh the Conservation Area Character Appraisal and Management Documents for the eight Conservation Areas with family dwelling houses where householders submit the most planning applications:

- Appraise properties within each Conservation Area and categorise them according to their suitability for extensions;
- Identify criteria where it would be possible to build additional roof storeys and back extensions and possible restrictions;
- Include detailed technical notes for repairs and restoration work and for extensions, back up by photo visuals to avoid ambiguity

1.14 **Service comment at action planning stage:** The Service drew up several actions to implement this recommendation:

- Appraise relevant housing types and categorise according to suitability for extensions with advice from the Council's Conservation and Design Advisory Panel.
 - Review nature of advice contained within Character Appraisal and Management document for comparable areas with other local authorities to identify best practice (by April 2015)
 - Devise assessment methodology and assess each property within Conservation Areas (by April 2015)
- Identify criteria where it would be possible to build additional roof storeys and back extensions and possible restrictions with advice from the Council's Conservation and Design Advisory Panel.
 - Undertake detailed analysis of building types and research with regard to history of change within relevant Conservation Areas to inform selection of criteria against which proposals would be assessed.

Clearly identify types of proposal where these are acceptable (by July 2015)

- Technical Notes for repairs and restoration work and for extensions – backed up by photo visuals.
 - Assessment of buildings within Conservation Areas to identify issues and opportunities with regard to repairs and restoration work which Revised Appraisals should address (by July 2015)
 - Undertake photographic study of buildings within Conservation Areas to inform Technical Notes (by July 2015)
 - Complete first draft of revised Appraisals (by September 2015)
 - Undertake public consultation on Revised Appraisals as set out in the Council's Statement of Community Involvement (by October 2015)
 - Revised Appraisals taken to Cabinet for approval (by December 2015)
 - Complete and publish revised Appraisals (by December 2015)
- 1.15 Update from the service: Officers analysed the eight conservation areas where householders submit the most planning applications to identify locations suitable for roof and rear extensions. They also undertook a review of Conservation Area Character Appraisals and how extensions were handled in other local authorities in Central London boroughs. Following this, an assessment methodology, criteria for identifying suitable locations for extensions and the general approach to the project was drafted to assess properties within the eight Conservation Areas.
- 1.16 Advice from CADAP was sought on the assessment methodology, criteria and general approach to the project in July 2015. CADAP supported the approach taken and provided feedback that was incorporated in developing the proposals.
- 1.17 The assessment methodology, criteria for identifying suitable locations for extensions and the general approach to the project was also presented and agreed with national and regional stakeholders including Historic England, Victorian Society, SPAB and the Georgian Group.
- 1.18 The approach taken was to prepare appraisals in the form of Addendums to the Conservation Areas Character Appraisals and Management Plans for the eight Conservation Areas. The Addendums includes maps showing locations suitable for roof and rear extensions after carefully assessing all the properties within Conservation Areas.
- 1.19 The Addendums have been prepared carefully to balance two things:
- a) Concern amongst some residents that the planning constraints in conservation areas are adversely affecting the ability of homeowners with growing families, carers and people with disabilities to remain in the borough.
 - b) The Council's legal duty to preserve and enhance the character or appearance of the conservation areas; and case law that says that where the authority 'finds that there is harm to a conservation area they

must give considerable weight to the desirability of avoiding that harm and it is not enough to ask whether the benefits of a development outweigh the harm' (summary from the legal section of April 2015 Cabinet Report).

- 1.20 A detailed audit of existing roof and rear extensions was carried out for the eight Conservation Areas and maps were prepared to inform the assessment.
- 1.21 Analysis of the eight Conservation Areas identified locations suitable for roof and rear extensions to support families living in these areas whilst ensuring that the proposals are in keeping with the Council's statutory duty to preserve and enhance the character and appearance of the conservation area. Using the criteria set out in the Addendums locations suitable for roof/rear extensions without creating a known harm to the conservation areas were identified.
- 1.22 The Addendums also acknowledge that there may be restrictions due to amenity considerations. The document recognises that even where locations are identified as suitable for extensions all the restrictions of general planning policy will apply.
- 1.23 The proposals in the form of eight draft Addendums [Addendums](#) are the subject of public consultation. As part of the public consultation, views from National and regional stakeholders including Historic England, Victorian Society, SPAB and the Georgian Group will be sought.
- 1.24 The Addendums and Guidance Note documents are the subject of a public consultation which runs between 23rd November 2015 and 18th January 2016. The documents have been published on the Council's website for resident's feedback. The link to the documents on Council's website is provided below: http://www.towerhamlets.gov.uk/ignl/environment_and_planning/planning/planning_guidance/consultation_and_engagement.aspx

Conservation Area	Venue	Afternoon Session 2-5pm	Evening Session 5.30-8.30pm
Driffield Road, Fairfield Road, Medway, Tredegar Square & Victoria Park	St. Paul's Church, St. Stephens Road, London E3 5JL	Thursday 3 rd December	Friday 11 th December
Jesus Hospital Estate & York Square	The Scott Room, Oxford House, Derbyshire St, Bethnal Green, London E2 6HG	Tuesday 8 th December	Friday 4 th December
Chapel House	Canary Wharf Idea Store, Churchill Place, London E14 5RB	Friday 4 th December	Monday 30 th November

- 1.25 As part of the consultation process, six public events were held to receive comments and feedback to inform the proposals. In addition the Conservation and Design Advisory Panel (CADAP) were consulted and the proposals were also tabled for discussion at the panel meeting in December 2015. Details of the public consultation events are set out below:

- 1.26 During this consultation, the Mayor issued a Statement that acknowledged the concerns raised by residents, his views on the proposals and the consultation as a necessary first step in the process to receive feedback from residents. The Mayor's Statement is included in **Appendix 4**.
- 1.27 At the end of the consultation period, officers will review feedback and comments received and revise the document accordingly. Depending on the nature of comments received, additional work may be required to address residents' concerns. Any additional work to be carried out will be agreed with the Mayor and may be the subject of a second consultation...
- 1.28 The intention is to take the revised documents to Cabinet for adoption in spring 2016. Officers recognise that this timescale may be subject to amendment depending on the feedback we receive during public consultation and the actions required addressing any issues.
- 1.29 A technical note for repairs and restoration works and for extension is a very specialist piece of work with a wide scope. There is already a wealth of information available to householders from reputed sources like Historic England, SPAB and other amenity societies. The Adopted Character Appraisals and Management Plans for the eight Conservation Areas identify issues and opportunities with regards to existing buildings including maintenance and restoration works.
- 1.30 Officers collected what they consider to be the most relevant information sources for residents' information for reference in the form of a Draft Technical Guidance Leaflet, which was made available at the consultation events for comment and feedback. . The public consultation also provided an opportunity to engage with residents to identify the specific repair/restoration topics that they consider may require further/additional guidance or information.
- 1.31 Feedback was also requested as part of the consultation in the form of e-forms for householders to identify specific repairs or maintenance or restoration topics for additional guidance. At the end of the consultation period officers will review the response received and update the Technical Guidance leaflet with relevant additional information. The leaflet will be made available on the Council's website in Spring 2016. The Draft Technical Guidance Leaflet that was presented at the Consultation event is attached in Appendix 4.
- 1.32 **Recommendation 4:** Write a policy for underground extensions and basements as part of the Local Plan Refresh.
- 1.33 Comment from service at action planning stage: The review of Policy DM27 will take place through the Local Plan Review process. The review will include drafting a relevant policy. The process for reviewing the Local Plan is set by Statute, however the consultation process on draft policy, including DM27, gives 'weighting' to that policy and the policy can therefore be used as part of the Developing Management Process at consultation stage. The

service identified three actions to support the delivery of this recommendation:

- Background research and scoping (April 2015)
 - identify other London Boroughs with basement policies.
 - identify existing basement development in the borough.
- Consult specialist consulting engineering advice to undertake a study / produce detailed advice on technical issues (May 2015)
- Identify all issues relevant to project including adequate soil depth, undeveloped garden land, ground conditions and land stability, depth, and habitable accommodation.
- Internal discussions with other Council specialists (Building Control, Highways, Tree Officer) (May 2015)
- Formulate policy (actions, responsibility and dates as in R2 above)

1.34 Update from the service: This recommendation is directly linked to the preparation of a new Local Plan and work is well underway. The five actions drawn up by the service to implement this recommendation will be carried forward in line with the Local Plan time table. The current timetable for the new Local Plan is outlined in 1.15 above.

1.35 **Recommendation 5: Consult with residents in Conservation Areas on the use of Article 4 Directions to further restrict development as part of the Local Plan refresh.**

1.36 Comments from the service at action planning stage: Consideration of introduction of Article 4 Directions will take place through the Local Plan Review (as recommendation 2 above). Five actions were drawn up to support this recommendation:

- Engagement draft of Local Plan (including draft Article 4 proposals) for public consultation (August 2015)
- Public consultation of Submission Document of Local Plan (Jan/Feb 2016)
- Proposed submission draft of Local Plan (including DM27) to Secretary of State (July 2016)
- Local Plan report to Cabinet and Full Council for approval (date as per R2 above)

1.37 Update from service: As above, this recommendation is directly linked to the preparation of a new Local Plan and work is well underway. The four actions drawn up by the service to implement this recommendation will be carried forward in line with the Local Plan time table. The current timetable for the new Local Plan is outlined in 1.15 above.

1.38 **Recommendation 6:** In line with any new approach to permitting roof extensions, create new Supplementary Planning Guidance for mansard roof extensions in Conservation Areas (and following this other issues) in order to help people plan, and understand the decision making process and the reasons why some changes be acceptable or not. The guidance should:

- Be clearly illustrated with examples of best practice to allow it to be readily and easily understood by non-professionals;

- Be prescriptive and consistent where materials for extensions and renovations are not appropriate.
- Set out permitted standard designs for additional roof storeys and rear extensions where planning is approved.
- Incorporate the principles of this guidance when refreshing the Conservation Area Character Appraisal and Management Guidance.

1.39 Comments from the service at action planning stage: Write a new Supplementary Planning Guidance (SPG) for mansard and roof extensions with advice from the Council's Conservation and Design Advisory Panel. The eight actions drawn up by the service to support the delivery of this recommendation were:

- Assessment of buildings within Conservation Areas to identify issues and opportunities with regard to mansard roofs which SPG should address (April 2015)
- Undertake photographic study of buildings within Conservation Areas to inform SPG and use in completed document (April 2015)
- Review guidance on roof extensions provided by the National Amenity Societies and other London Boroughs with a similar housing stock (April 2015)
- Prepare guidance clearly establishing principles for roof extensions and information about the way in which an application is assessed (September 2015)
- Complete technical guidance regarding the design of an appropriate mansard, including information regarding the design details and materials expected. Guidance will be accompanied by clear illustrations and examples of good practice (September 2015)
- Drafted guidance submitted to a broad and inclusive consultation process, to capture local resident's views and ensure that the document reflects these residents' views (October 2015)
- Guidance taken to Cabinet for approval (February 2016)
- Complete and publish Supplementary Guidance (February 2016)

1.40 Update from service: this recommendation was to prepare a Supplementary Planning Document (SPD) for mansard roof extensions. Officers discussed the scope of the document with the Lead Member. Following this discussion, it was agreed that an SPD is not necessarily required to meet the objectives of Recommendation 6 and that this can be delivered through an Executive approved Guidance Note, which would take significantly less time and resource to produce.

1.41 This Guidance Note would:

- meet the objectives of Recommendation 6
- be a material consideration in the determination of planning applications, providing it was approved by Cabinet following public consultation
- be subject to a similar level of public consultation as the SPD
- expedite the process (could be approved in Spring 2016 whereas an SPD will take much longer and it is likely that it would be June 2017)

- 1.42 As part of the preparation of the Guidance Note, officers prepared a draft outline of the scope of the guidance document and carried out a review of guidance prepared by other local authorities in Central London for mansard roofs. The general principles and guidance provided in those documents were carefully considered to inform the scope of the guidance document and in particular the design considerations for mansard roof extensions.
- 1.43 Advice on the proposed guidance document was sought from CADAP in July 2015 and their feedback informed the scope of the Guidance Note.
- 1.44 An assessment of buildings in the eight conservation areas was carried out to identify issues and opportunities with regard to mansard roof extensions. The assessment presented an opportunity to understand the range of roof types and architectural character and how they contributed to the character of the conservation area. The assessment also identified issues and opportunities for new mansard roof extensions within conservation areas.
- 1.45 As part of the assessment photographic documentation was carried out to understand the different roof forms that exist in the eight conservation areas to inform the development of design considerations for mansard roof extension in the Conservation Areas.
- 1.46 The Guidance Note outlines:
- a. Characteristics and design considerations by setting out the context for mansard roofs, types and form; and
 - b. Detailed design principles by setting out specific guidance including roof details, rear gables, part wall extensions chimney stacks and pots, cornice, parapet and balustrade , materials and window design details.
- 1.47 As agreed early on the Guidance Note was intended to provide general design principles for mansard roof extensions in Conservation Areas. The Guidance Note therefore does not include a prototype for a mansard roof. It is important to note that there are 58 conservation areas in the borough with varying building types and character. The design of mansard roof is specific to the host building/terrace and as such no prototype can be designed to fit for any building in any of the boroughs 58 conservation areas. The Guidance Note therefore sets out good design principles for design of mansard roof rather than developing a prototype.
- 1.48 The draft [Guidance Note](#) is the subject of the public consultation along with the eight Addendums for the Conservation Areas (see 1.28 above). Following an 8 week public consultation to 18 January 2016, officers anticipated that a Guidance Note can be published as scheduled in February 2016, providing that there is no fundamental change to the methodology and that Cabinet approval is not required.. An action plan relating to this recommendation is attached as Appendix 4.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 Following a Scrutiny challenge session on 17 November 2014, this report provides an update on the implications of conservation areas on the extension of family homes.

4.2 The recommendations resulting from the report are outlined in paragraph 3.4 above. The majority of the recommendations are associated with reviewing and updating policies and planning documentation – the main costs associated with these relating to officer time and the undertaking of a formal consultation process. All associated costs must be met from within existing revenue budgets.

5. LEGAL COMMENTS

5.1 The Council is required by section 9F of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council's Constitution provides that the Overview and Scrutiny Committee may consider any matter affecting the area or its inhabitants and may make reports and recommendations to the Full Council or the Executive in connection with the discharge of any functions. It is consistent with the Constitution and the statutory framework for the Executive to provide a response.

5.2 Following the Scrutiny challenge session, the attached report makes a number of recommendations which aim to protect and enhance the Borough's heritage, whilst providing more flexibility and guidance to those wishing to carry out extensions and other forms of development to properties within the Borough's conservation areas. The attached Scrutiny report sets out the relevant planning policy relating to conservation areas.

5.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that with respect to any buildings or other land in a conservation area, in taking decisions on planning applications the decision maker must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Case law suggests that whilst an assessment of the degree of harm is a matter for planning judgment, once a decision maker considering a proposal finds that there is harm to a conservation area they must give considerable weight to the desirability of avoiding that harm, and it is not enough to ask whether the benefits of a development outweigh the harm.

5.4 Any amendments to the Council's local plan would need to go through the statutory procedure set out in The Planning and Compulsory Purchase Act 2004 and The Town and Country Planning (Local Planning) (England) Regulations 2012. This includes inter alia extensive consultation and an independent examination. There is also a prescribed procedure which must be followed before a Supplementary Planning Document (SPD) can be adopted, involving two stages of public consultation. No independent examination is required prior to the adoption of a SPD because they are not development plan documents and carry less weight in decision making.

Supplementary Planning Documents must not conflict with the adopted development plan.

5.5 Permitted development rights can be removed by a local planning authority through a direction made under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (“the GPDO”). Guidance in the National Planning Policy Framework provides that the use of Article 4 directions to remove national permitted development rights, should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. Article 4 Directions are commonly used to provide a greater level of protection in conservation areas. Where development has been restricted by an Article 4 direction planning permission will be required. The procedure for making an Article 4 direction is set out in Articles 5 and 6 of the GDPO. Any proposal to make any Article 4 direction in respect of the Borough’s conservation areas should commence with consultation.

5.6 In carrying out its functions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don’t (the public sector equality duty). The Council will have to comply with this duty in bringing forward and taking decisions on any proposed changes and appropriate screenings or equalities assessments will need to be undertaken.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 Whilst the Council’s focus is rightly social housing, the lack of supply of 4 and 5 bedroom houses has caused a housing predicament amongst some residents with growing families who live in period houses in one of the borough’s many conservation areas.

6.2 The majority of the borough’s period houses are located within a conservation area and therefore the residents who live in them are restricted in when it comes to building extensions.

6.3 Some householders have moved out of the borough in order to find larger period houses to suit the needs of their growing families. Families moving out of neighbourhoods can have a detrimental effect on community, social capital and economic prosperity in an area.

7. BEST VALUE (BV) IMPLICATIONS

7.1 The recommendations in this report are made as part of the Overview & Scrutiny Committee’s role in helping to secure continuous improvement for the council, as required under its Best Value duty.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

7.1 There are no direct environmental implications arising from the report or recommendations.

9. RISK MANAGEMENT IMPLICATIONS

- 8.1 There are no direct risk management implications arising from the report or recommendations.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 9.1 There are no direct implications of crime and disorder as a result of the recommendations of this review.
-

Linked Reports, Appendices and Background Documents

Linked Report

- [List any linked reports, for example those that went to other Committees on the same issue]
- State NONE if none.

Appendices

- Appendix 1 – Scrutiny Review and Action Plan
- Appendix 2 – Delivery Plan
- Appendix 3 – Technical Repair work leaflet
- Appendix 4 – Mayor’s Statement

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

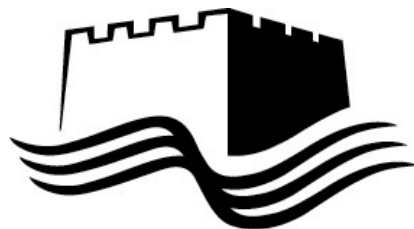
- NONE

Officer contact details for documents:

- N/A

**Planning in Conservation Areas:
The implications of conservation area on the extension of
family homes**

Scrutiny Challenge Session Report



TOWER HAMLETS

**London Borough of Tower Hamlets
November 2014**

Councillor Joshua Peck

Chair of the review panel, Chair of Overview and Scrutiny

Tower Hamlets is special because of our unique history and because of our people.

The history of our borough in the history of our nation. It is the story of our treasured institutions: from the founding of the NHS by the post-war government of Limehouse MP Clement Attlee, to the home of the Crown Jewels at the Royal Palace of the Tower of London. It is the story (good and bad) of the wealth and power of our nation, built on the trade of British Empire flowing through our docks, now replaced by international finance flowing through Canary Wharf. It is the birth of the trade union movement, at those same docks, as well as the Bryant and May Match Factory in Bow. It is the fight against fascism on Cable Street and then during the Blitz. It is the story of the waves of immigration – Huguenot, Jewish, Irish, Bangladeshi – that over time have enriched our culture, our language and our cuisine. And it is a tale of firsts: the world's first public park at Victoria Park and the world's first social housing at the Boundary Estate. All around us is incredible heritage, built and intangible, that make our borough very precious.

The people of Tower Hamlets are no less special. Ours is a community that has changed dramatically over the centuries, but which has always retained the resilience, spirit and warmth that the East End is famous for.

It is therefore an irony that it is precisely these two things – our heritage and our people – that come into conflict when it comes to housing in our borough. We regularly talk about a housing crisis in Tower Hamlets but when we do, we mean social housing. Rightly so, given the desperate situation facing many of our residents. But housing problems are not limited to those living in social housing and many of our residents who own their own homes also struggle with housing problems, not least because of the very short supply of larger family homes in the borough. In the nine years I have been a councillor, I have been approached many times by residents who love living here and desperately want to stay, but who are forced to leave because, in the absence of a supply of larger family homes, the Council doesn't always allow them to extend their home. Our Conservation Area policy – essential in protecting our built environment – has been applied in a way that doesn't recognise that houses are for people, and heritage can only survive if it is allowed to be given on-going life by those people.

If the British Museum's Great Court can be given a contemporary roof, if the Louvre can gain a glass pyramid, if King's Cross can sprout a curving extension, then surely it must be possible for rows of Victorian houses to be extended in a way that protects and indeed enhances their historic value, and enables our residents to stay in our borough.

I hope the recommendations in this report result in a real change in our policy and therefore the lives of many of our residents. It is time.

I would like to thank the officers who made this report possible, the speakers who contributed to our session, the Councillors who came along, Cllr Khan for giving her time and most of all the residents who came and made their case so powerfully.

Summary of recommendations

RECOMMENDATION 1:

The Council should recognise the detrimental impact that some planning restrictions are having on residents and the social capital of an area and redress the balance in favour of planning applicants, whilst still seeking to protect and enhance the Borough's heritage.

RECOMMENDATION 2:

Amend DM27 to:

- be more permissive towards extensions, particularly mansard roofs within Conservation Areas;
- be more specific about what may and may not be appropriate within individual Conservation Areas (rather than having a blanket policy); and
- rely more strongly on the individual Conservation Area Assessments for decision-making on extensions

RECOMMENDATION 3:

Individually refresh the Conservation Area Character Appraisal and Management Documents for the eight Conservation Areas with family dwellinghouses where householders submit the most planning applications:

- Appraise properties within each Conservation Area and categorise them according to their suitability for extensions;
- Identify criteria where it would be possible to build additional roof storeys and back extensions and possible restrictions;
- Include detailed technical notes for repairs and restoration work and for extensions, back up by photo visuals to avoid ambiguity

RECOMMENDATION 4:

Write a policy for underground extensions and basements as part of the Local Plan refresh.

RECOMMENDATION 5:

Consult with residents in Conservation Areas on the use of Article 4 Directions to further restrict development as part of the Local Plan refresh.

RECOMMENDATION 6:

In line with any new approach to permitting roof extensions, create new Supplementary Planning Guidance for mansard roof extensions in Conservation Areas (and following this other issues) in order to help people plan, and understand the decision making process and the reasons why some changes be acceptable or not. The guidance should:

- Be clearly illustrated with examples of best practice to allow it to be readily and easily understood by non-professionals;
- Be prescriptive and consistent where materials for extensions and renovations are not appropriate.
- Set out permitted standard designs for additional roof storeys and rear extensions where planning is approved.
- Incorporate the principles of this guidance when refreshing the Conservation Area Character Appraisal and Management Guidance.

1. INTRODUCTION

- 1.1 Tower Hamlets is varied and rich in international, national and locally important heritage that make up its distinct character. The borough's Conservation Strategy describes heritage in Tower Hamlets as being influenced by trade and industry, migration and change and can be found in our buildings, archaeology, parks, open spaces, views, heritage collections and intangible heritage.
- 1.2 All councils as Local Planning Authorities (LPAs) have a general duty towards conservation in the exercise of their planning functions. The Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of areas of special architectural and historic interest. Local Planning Authorities manage irreplaceable heritage assets so that they can be enjoyed by current and future generations by using their powers to designate Conservation Areas.
- 1.3 However, the duty to preserve the borough's heritage can be seen as being in tension with the need of our built heritage to continually evolve to meet the changing needs of our residents. The lack of supply of family-sized houses has caused a housing predicament amongst some residents with growing families who live in period houses in one of the borough's Conservation Areas and have therefore been unable to extend their homes.
- 1.4 There is a high level of concern amongst some Councillors and residents that restrictions on expanding these properties discourage the residents who live in them from putting down roots as their families grow, which has a detrimental effect on those communities.
- 1.5 The aim of the Challenge Session was to explore what changes to planning policy, practice or procedures could be made to address these concerns, whilst still protecting the character of Conservation Areas. The session was chaired by Cllr Joshua Peck, Chair of Overview and Scrutiny. It took place on Monday 17th November 2014.
- 1.6 The session was attended by:

Cllr Joshua Peck	Chair of Overview and Scrutiny Committee (Bow West Ward)
Cllr Rabina Khan	Cabinet Member for Housing Development (Shadwell Ward)
Cllr John Pierce	Weavers Ward
Cllr Amina Ali	Bow East Ward
Cllr Asma Begum	Bow West Ward
Sara Crofts	The Society for the Protection of Ancient Buildings (SPAB)
Tom Burke	Westminster Council Planning
Jonathan Freegard & Mellis Haward	Tower Hamlets Conservation & Design Advisory Panel (CADAP)
Tom Gill & Keith Whiteside	Residents, Medway Conservation Area
Owen Whalley	Service Head for Planning and Building Control,

	Tower Hamlets Council
Mark Hutton	Team Leader Strategic Planning / Conservation, Tower Hamlets Council
Andrew Hargreaves	Borough Conservation Officer, Tower Hamlets Council
Vicki Lambert	Heritage and Design Officer, Tower Hamlets Council
Vicky Allen	Strategy, Policy and Performance Officer, Corporate Strategy & Equality, Tower Hamlets Council

- 1.7 In addition, the session was attended by approximately 50 residents from various Conservation Areas across the borough.
- 1.8 The Scrutiny Challenge Session took the format of an evening meeting which was held in St. Paul Old Ford Church. An article in the Council's newspaper East End Life invited residents to participate, and the chairs of several residents associations located within Conservation Areas were invited to attend.
- 1.9 The agenda for the session included an introduction to the key issues under review by Councillor Joshua Peck. Following this, attendees heard from two residents of the Medway Conservation Area who were in favour of relaxing planning controls. They spoke about not being able to extend houses within a Conservation Area and its impact on their family lives. They also gave witness statements for several other families who had either moved out of the borough or were considering doing so because they needed more living space.
- 1.10 A presentation from the Council's Head of Strategic Planning and Conservation provided background facts about the Conservation Areas in the borough and information about the Council's policy approach to planning in Conservation Areas. Attendees then heard from the Society for the Protection of Ancient Buildings (SPAB) who provided a practitioners perspective. A member of the Conservation Team at Westminster City Council presented their approach to planning in Conservation Areas, and the Conservation and Design Advisory Panel (CADAP) spoke about their role and the work they were currently undertaking in reviewing their Conservation Area Character Appraisals. These presentations were followed by a question and answer session.
- 1.11 Residents were then invited to take part in a workshop session where they were asked to provide suggestions to the core question for the session: To better meet the needs of growing families living in Conservation Areas:
- a) What changes to planning policy or practice are possible, which still protect the character of Conservation Areas? and
 - b) Are there any improvements that could be made in the planning application process in relation to extensions in Conservation Areas?

2. NATIONAL LEGISLATIVE AND POLICY BACKGROUND

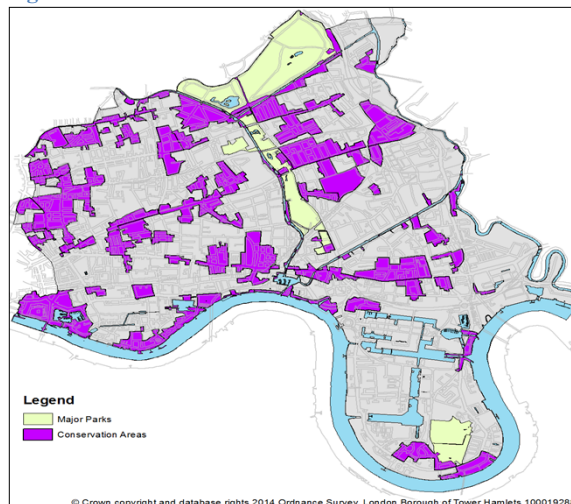
What is a Conservation Area?

- 2.1 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990** gives powers to Local Planning Authorities (LPAs) to identify any 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance' and designate them as Conservation Areas. It also obliges LPAs to consult and have regard for the views of the public, English Heritage and other local amenity groups. In addition LPAs are required to formulate and publish proposals for the preservation and enhancement of any parts of their area which are Conservation Areas, including the mechanism for reviewing them.
- 2.2** All householders are able to make certain changes to their properties without planning permission and these are outlined in the Permitted Development for Householders Technical Guidance from the Department for Communities and Local Government. The ability to alter properties in a way which needs planning application approval for house owners in Conservation Areas is controlled by planning policy. This includes some additional controls on the external appearance, design and the choice of materials for alterations or refurbishment, potentially increasing costs. The controls are articulated in the Council's Local Plan policies and the Conservation Area Character Appraisal and Management Documents (Conservation Area CA&MD) for each Conservation Area. Overall English Heritage estimates that over 9,800 Conservation Areas have been designated in England since the 1960s.
- 2.3 Article 4 Directions** can be made by LPAs, following public consultation, when further control of development in a Conservation Area is desirable. If a single family dwellinghouse is covered by an Article 4 Direction, additional Planning Permission is required to carry out some minor external alterations or home improvements - such as changing doors and windows or painting brickwork on the outside of a property. There are, however, currently no Article 4 Directions in place in Tower Hamlets.
- 2.4** Section 12 of the **CLG National Planning Policy Framework (NPPF)** sets out the Government's strategic framework for conserving and enhancing the historic environment. It states that LPAs should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats, taking into account:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - The desirability of new development making a positive contribution to local character and distinctiveness; and
 - Opportunities to draw on the contribution made by the historic environment to the character of a place
- 2.5** When considering the designation of conservation areas, LPAs are directed to ensure that an area justifies such status because of its special architectural or

historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest. The guidance also states that the effect of an application on the significance of non-designated heritage assets should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The guidance also requires LPAs to make information about the significance of the historic environment, gathered as part of plan-making or development management, publicly accessible.

- 2.6 Tower Hamlets has 58 Conservation Areas and over 2000 Listed. Approximately 25% of the borough's land mass (excluding parks and bodies of water) is in a Conservation Area. This compares with 25-30% of Hackney, 50% in Islington, and 75% in Westminster. A map showing the Conservation Areas in the borough is shown below and Appendix 1.

Figure 1: Tower Hamlets Conservation Areas



Living in a conservation area

- 2.7 In 2012 English Heritage commissioned a report from the London School of Economics and Political Science (LSE) called '**An Assessment of the Effects of Conservation Areas on Value**'. The report looked into the costs and benefits that are associated with a location of a property inside or near a Conservation Area, and some of the softer benefits of conservation designation including: encouraging identity, community cohesion and promoting regeneration.
- 2.8 The research concluded that the benefits of living in a Conservation Area outweighed those of not living in a Conservation Area. The research found that there was on average, a price premium of about 23% for properties inside designated Conservation Areas, although this was at least in part due to favourable property and location characteristics that are associated with conservation designation.
- 2.9 The report surveyed a variety of people including homeowners living in Conservation Areas and found that residents had high satisfaction with the

built environment and had positive feelings of community and neighbourliness in their local area.

- 2.10 The study also found that some residents rationalised and accepted planning decisions that were not necessarily favourable to them but were perceived to be in the interests of the Conservation Area generally, highlighting the importance local residents placed on the Conservation Area.

Conservation Area Designation

- 2.11 There are a number of ways in which the designation of a Conservation Area may be triggered: through Officers duties under the Planning Act as outlined in 2.1 above; the request to designate may be raised as part of the development management process when considering new developments; or requested by residents and Members.
- 2.12 An analysis of the request is undertaken by preparing a draft Conservation Area Character Appraisal. The proposal is taken by Officers to the Mayor seeking approval for public consultation. The Council has a duty to consult on Conservation Area designation both with the public, through public meetings, and with statutory amenity bodies such as English Heritage. Following consultation, and taking into account the consultation, proposals are taken back to the Mayor for approval. The mechanism for reviewing Conservation Areas is not currently formalised. However following the Scrutiny Challenge Session, Officers have agreed that a review will be undertaken every five years including public consultation.

LOCAL CONTEXT

Strategic Approach to Conservation

- 2.13 Tower Hamlets planning policy consists of a series of documents, as required by law, that set out the Council's approach to managing development by assessing planning applications to create a more vibrant, sustainable community. The **Local Plan for Tower Hamlets** comprises of the **Core Strategy** and **Managing Development Document (MDD)**. The Core Strategy identifies the range of heritage assets that exist in the borough and their contribution to the character, history and heritage of the borough. The MDD contains a set of policies to control development and use of land in the borough. These policies are in conformity with the London Plan and the NPPF
- 2.14 MDD policy **DM27** relates to the management of the borough's heritage and historic environment. It states that the Council takes a proactive approach through its Conservation Strategy to protect and enhance Tower Hamlets' heritage resources, to ensure that it can be appreciated and enjoyed by current and future generations. Planning decisions will be informed by the nature, extent and level of significance of heritage assets. To help conserve heritage assets, an appropriate and viable use must be consistent with their conservation. However restrictions on development in a historic environment should not be used to hinder otherwise satisfactory development.
- 2.15 The MDD explains that the alteration, extension, change of use, or development within a heritage asset will only be approved where:
- It does not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting;

- It is appropriate in terms of design, scale, form, detailing and materials in its local context;
- It enhances or better reveals the significance of the asset or its setting;
- Opportunities to mitigate or adapt to climate change through the re-use or adaptation are maximised; and
- In the case of a change of use, a thorough assessment is carried out of the practicability of retaining its existing use and the wider benefits of the proposal use.

Further information about the national and local planning documents relating to conservation of the historic environment is contained in Appendix 2.

Policy and Practice within Conservation Areas

2.16 The **MDD** sets out that in implementing planning policy DM27 within Conservation Areas, the Council may allow:

- Additional roof storeys to buildings, but not where they would harm the significance, specifically the appearance and character, of terraces or groups of buildings where the existing roof line is of predominantly uniform character.
- A rear extension, provided it does not harm the significance specifically that it does not extend beyond the general rear building line of the terrace or group; it does not rise above the general height of extensions in the terrace or group; and it does not destroy the uniformity or rhythm of the terrace or group.

2.17 **Character Appraisal & Management Guidelines** for all of the Council's Conservation Areas have been prepared within the last 5 years to provide detailed information about the area's architectural and historic character and to provide an overview of planning policy and propose management guidelines on how this character should be preserved and enhanced in the context of appropriate on-going change.

2.18 Permitted development is uniform across the borough (including in Conservation Areas) as Tower Hamlets has not enacted Article 4 powers. Where planning permission is required, Officers have a duty to take a balanced approach to the use of policy when comparing other development needs with heritage preservation. Whilst referring to the guidance in DM27 and the Conservation Area CA&MDs, consideration is also given to the other policies in the MDD, such as policies on delivering homes and affordable housing (DM3).

Analysis of demand for extensions

2.19 This challenge session arose because there was a concern by some residents and Members about the lack of availability of 3, 4 and 5 bedroom family houses. With planning permissions restricted by Conservation Area designation, many residents in attendance expressed that they were considering moving away from the area in order to gain more space to meet the needs of their growing families.

2.20 Analysis of housing size and type in Tower Hamlets indicates that the borough has a lower proportion of both houses and family-sized homes in the borough than the London average. 14% of the overall stock in the borough is

classified as a house compared to 28% of stock London-wide. The majority of the borough's period houses are located within a Conservation Area.

- 2.21 The proportion of family-sized homes in the borough is the 3rd lowest in inner-London. Family sized housing is defined as properties which have 3 or more bedrooms. Census data indicates that 28% of all stock in the borough is family-sized (including both houses and flats) compared to the London average of 46%. Of the 101,257 dwellings in the borough just over 10,000 are family sized houses equating to almost 10% of the borough's stock.
- 2.22 There are fewer period properties in Tower Hamlets than other boroughs, with 36% ¹of private stock in Tower Hamlets having been built since 1990, compared to 12%² nation-wide.
- 2.23 Whilst there is demand for enhancements, alterations and extensions of all types, there is a particular interest in additional roof storeys or '**mansard roof extensions**'. When asked by the Chair how many of the 50 or so residents at the meeting had come because of concerns about the restrictions on mansard roofs, a large majority of the attendees raised their hands. Mansard roofs are popular because they make maximum use of space, and are viewed as being sympathetic to the existing architecture (many Victorian and Georgian homes were originally built with mansards). A mansard roof has two slopes on each of the four sides. The lower slope is so steep that it can look like a vertical wall with dormers. The upper slope has a low pitch and is not easily seen from the ground. A mansard roof has no gables. Mansard roofs are considered especially practical because they allow usable living quarters to be placed in the attic. For this reason, older buildings are sometimes remodelled with mansard roofs. As 'mansard' is a specific term, this report refers to the general term '**additional roof storeys**' because whilst these can be mansards they can often take on other forms of design.

Figure 2: Example of a typical 'Mansard' Roof extension



- 2.24 The Chair asked why the Council, as a Local Planning Authority, applied a ban on alterations to the Borough's terraces whereas the historical buildings such as the British Museum, King's Cross Station and the building in which the meeting was being held in had all been able to have extensions or alterations made to them. The Team Leader Strategic Planning/Conservation said that it was a matter of quality and design.

¹ 2011 private sector stock conditions survey

² 2009 English housing survey

3. KEY FINDINGS AND RECOMMENDATIONS

- 3.1 The aim of the Challenge Session was to see if a middle-ground could be found between preserving the special character of Conservation Areas and supporting the extension of family homes. To this end, residents heard evidence from Officers from the Council's Planning and Conservation service, SPAB, Westminster Council, and the CADAP. They were asked to consider what changes to planning policy or practice are possible, which still protect the character of Conservation Areas; and to identify any improvements that could be made in the planning application process in relation to extensions in Conservation Areas. Residents identified issues relating to balance, consistency, enforcement and clarity.

Getting the balance right

- 3.2 All residents agreed that there was a positive value to living in a Conservation Area. However Members and many of the residents were not convinced that the removal of blanket-ban on extensions, especially additional roof storeys, would have a subsequent detrimental impact on the character of their Conservation Area.
- 3.3 Two residents of **Medway Conservation Area** spoke about how not being able to extend family homes, due to the planning restrictions placed on their houses, had detrimentally impacted on their family lives. One family had their planning application for an additional roof storey extension turned down, despite the proposed extension being set so far back that it would not have been visible from the street. They gave examples of families who had moved away, and some that were considering doing so, because of the effective ban on additional roof storeys. They spoke about the effect this had on friendships, their children's schooling, the sense of community and of a feeling that there was a loss to the social capital for the area. They felt that enabling families to stay in their homes, by allowing extensions, would help to create a cohesive community where families can put down roots. They felt that this was better than the risk of a transient population which could be caused by houses being bought for buy-to-let.
- 3.4 Many residents agreed with the idea that the character of an area is defined as much by its resident community as the character of the properties within it, and that those communities can be destroyed when families move out of an area because planning restrictions prohibit them to extend their property.
- 3.5 The speakers from the Medway Conservation Area felt that adding an additional roof storey to the properties in their Conservation Area would not be detrimental to the overall look of the area, if they are done sympathetically. Another resident felt that building a well-designed extension was a way of investing in the houses in Conservation Areas, bringing them up to date, and restoring them so that they are still relevant for family living in another 100 years-time.
- 3.6 Jonathan Freegard and Mellis Haward from the borough's **Conservation and Design Advisory Panel (CADAP)** spoke about their role in providing the Council with independent professional specialist design and conservation advice and evaluation of new developments. Jonathan Freegard felt that that where done well, mansard-style roofs can liven up the streetscape compared to a continuous line of high parapets. Many attendees considered that on

balance, additional roof storeys were cheaper, more in keeping with Victorian origins, and less disruptive to neighbours than digging out an additional floor below ground level, as had been permitted by the Planning Authority in many Conservation Areas.

- 3.7 Not all attendees who were pro-extensions were so because of needing additional space for expanding families. One resident spoke about wanting to restore her property, to bring it up modern standards, by creating an extension in order to accommodate an upstairs bathroom. Another resident talked in the break-out session about needing the space to care for an elderly relative with dementia
- 3.8 Cllr Rabina Khan, Cabinet Member for Housing and Development spoke about the need for planning regulations to be supportive of the complex needs that some families have. For example adaptations and additional space to accommodate the needs of older or disabled people, supporting them to live independently.
- 3.9 However, there were some residents at the session who opposed the relaxing of any planning restrictions in Conservation Areas. Whilst sympathetic to the dilemma facing growing families, several residents felt that residents should accept the conditions and compromises that living in a Conservation Area brings – otherwise the character that makes the area special is at risk of being lost. Some residents complained about the loss of amenity, such as light, and the disruption that building extensions brings. Finally, one resident felt that allowing property expansion in one area could be a green light to more extreme requests in the future – for example replacing garden sheds with annex homes or excavating extensive basements.
- 3.10 Sara Crofts from **SPAB** quoted SPAB's founder William Morris: '*we are only trustees for those that come after us*'. She spoke about the Society's statutory role as adviser to local planning authorities. SPAB have a firm set of principles about how old buildings should be repaired and the practical knowledge to show how these can be put into effect. She explained that not all terraces are the same and what works well in one terrace may not be suitable elsewhere - although it can be difficult to get people to appreciate these subtle differences and their implications. Sarah Crofts outlined the importance of Local Planning Authorities having a full and detailed understanding of the different characters of their various Conservation Areas. She added that where there are new developments, these works needed to respect the continuity of the streetscape in terms of building lines and heights, as well as details, materials and careful design.
- 3.11 In preparation for the session, Scrutiny sought the view of English Heritage who provided written evidence. English Heritage appreciated people's desire to enlarge existing properties, and understood the great pressure on space in an inner-London borough like Tower Hamlets. However they felt that extending period houses in Conservation Areas should be considered within the context of other factors, such as the availability of existing or planned larger family homes and the risk that larger older properties could be sub-divided further reducing the availability of large family sized homes. Planning officers have pointed out that the Council already has a policy that deals with this concern, as it prohibits the sub-division of family sized homes.

- 3.12 English Heritage's view is that the scale of many of the smaller Victorian properties is such that even where extension is possible, this is unlikely to provide the longer term scale of space and demand. This does not accord with the views of many local residents however, who are clear that an additional bedroom or two would be sufficient to accommodate their families. English Heritage argues that this issue could potentially only be resolved through planning for larger homes within new developments. This does not fully address the fact that many residents choose to live in period homes, rather than new build developments.
- 3.13 On balance, the Challenge Session Members considered that the needs of residents are not adequately met by the Council's current policy and practice with regards to extensions to homes within Conservation Areas. They further considered that it would be possible – with high quality, appropriate design – to add mansard roof or other extensions to homes within Conservations Areas, without damaging the heritage and in some cases it may even enhance it.

RECOMMENDATION 1:

The Council should recognise the detrimental impact that some planning restrictions are having on residents and the social capital of an area and redress the balance in favour of planning applicants, whilst still seeking to protect and enhance the Borough's heritage.

RECOMMENDATION 2:

Amend DM27 to:

- be more permissive towards extensions, particularly mansard roofs within Conservation Areas;
- be more specific about what may and may not be appropriate within individual Conservation Areas (rather than having a blanket policy); and
- rely more strongly on the individual Conservation Area Assessments for decision-making on extensions.

Clarity of policy and practice

- 3.14 The Council's Local Plan currently sets out policies that control development in Conservation Areas generally and in particular for additional storeys. Many residents expressed a wish to see these policies changed in some Conservation Areas to allow the extension of family houses.
- 3.15 At the session Tom Burke, Head of Design and Conservation at **Westminster City Council** gave an overview of the approach taken to planning in residential Conservation Areas in the borough. Westminster undertakes audits which individually appraise each property within the Conservation Area and categorise them according to their suitability for extensions. Supplementary Planning Guidance on roof extensions and on development and demolition in Conservation Areas is provided and cross referenced in the Character Appraisals. This guidance includes technical drawings and notes backed up by photographic visuals to avoid ambiguity. By using colour coding within the conservation character appraisals, along with detailed planning information, Westminster felt that their approach provided residents

with a clear steer on where rear extensions and additional roof storeys would be acceptable.

- 3.16 CADAP said that, on behalf of the Council, they had been asked to look at the issue of extensions to family homes in the eight Conservation Areas which receive the most planning applications (Chapel House, Driffield Road, Fairfield Road, Jesus Hospital Estate, Medway, Tredegar Square, Victoria Park and York Square Conservation Areas). CADAP felt that the Council could better manage change in its Conservation Areas by enhancing the existing Character Appraisals to identify, areas if any, where they considered extensions would be appropriate.
- 3.17 **English Heritage** identified Conservation Area Appraisals produced by [Brent](#) and [Barnet](#) as examples of good practice. They are similar to the previous examples given by Westminster Council and CADAP, in that they give clarity by providing more detailed information and advice for homeowners.
- 3.18 Participants agreed that they would like to see the Council revise the Character Appraisal and Management Guidelines for each Conservation Area. There was support for the example from Westminster Council, where each property was individually evaluated with a view to identifying suitability for extensions. Residents who were pro-extensions agreed the importance of getting this right - otherwise there was a real risk that any extension or enhancements would be detrimental to the character of the Conservation Area.
- 3.19 However it was also recognised that a balance should be struck between the Westminster City Council approach and the Council's current approach, as there is a risk that undertaking such detailed audits could lead to rules on planning in Conservation Areas becoming more prescriptive and restrictive.

RECOMMENDATION 3:

Individually refresh the Conservation Area Character Appraisal and Management Documents for the eight Conservation Areas with family dwellinghouses where householders submit the most planning applications:

- Appraise properties within each Conservation Area and categorise them according to their suitability for extensions;
- Identify criteria where it would be possible to build additional roof storeys and back extensions and possible restrictions;
- Include detailed technical notes for repairs and restoration work and for extensions, back up by photo visuals to avoid ambiguity

- 3.20 Councillor John Pierce asked for clarification on the Council's position on underground extensions e.g. basements. It was noted that there is currently no policy on this type of extension as these are relatively new to the borough. It was agreed that a policy covering basement conversions and other underground extensions should be written as part of the Local Plan review. The Committee felt that, on the whole, these were often intrusive and damaging to heritage.

RECOMMENDATION 4:

Write a policy for underground extensions and basements as part of the Local Plan refresh.

Differentiation of approach between different needs of various CAs

- 3.21 Whilst there was a general feeling that there should be consistency in decision-making, especially within Conservation Sub-Areas, there was also agreement that rules should not be developed with a blanket approach borough-wide. CADAP members felt that there was a need for clearer guidance on what is allowed; identifying the special characteristics of the various Conservation Areas that need to be preserved. For example, the Jesus Hospital Estate was cited as affording special protection because of the highly attractive and unaltered nature of so much of the building stock which forms part of its distinctive character.

RECOMMENDATION 5:

Consult with residents in Conservation Areas on the use of Article 4 Directions to further restrict development as part of the Local Plan refresh.

Consistency in approach

- 3.22 Many residents complained about a lack of consistency in the application of the Council's planning policy and the advice given by Officers which they felt was unfair. One resident cited an example where a neighbour had been granted planning permission in 2006 but did not proceed, however when she applied for the same planning permission it was refused.
- 3.23 The Medway Conservation Area speakers felt that there was a contradiction between what planning permissions were acceptable for new-builds compared to existing houses in Conservation Areas, with the former having less restrictions placed upon them. Councillor Joshua Peck also felt that there was inconsistency in approach when comparing planning restrictions for houses in Conservation Areas with other buildings such as shops, where these have been allowed to extend to include more residential space above and behind the shop front.
- 3.24 In addition to consistency around planning application decisions, many residents felt that the guidance around permissible materials given by the Council was also not consistent and in some places contradictory. One example given was where residents felt that Officers found it acceptable to have uPVC front doors but not uPVC windows.
- 3.25 Councillor Joshua Peck stated that many residents are frustrated that some people get away with making unsuitable, unpermitted alterations to their homes whilst proposed extensions which were felt by some to be aesthetically attractive and in keeping with the style of a property were not approved. The Head of Planning and Building Control advised that, where there is a requirement for planning permission, alterations such as cladding and uPVC were not permitted in Conservation Areas as they alter the traditional appearance of the properties. The Head of Planning and Building Control also stated that although the borough takes planning enforcement seriously, they did sometimes have to rely on residents letting them know of any breaches of planning control so that they could be investigated. He also stressed the Council's obligation to exercise expediency in relation to formal action especially if planning permission would be granted for minor alterations if applied for retrospectively.

- 3.26 Some participants said that they had been put off from applying for planning permission because they felt their application would be refused, making a point that there was more demand for rear extensions and additional roof storeys than the Council may be aware of.
- 3.27 In their presentation, CADAP showed residents a Conservation Area guide which had been prepared in the past for the Tredegar Square area by the Greater London Council. They cited this as good practice because of the clear pictorial and technical detail relating to what was considered to be the basic elements of acceptable rear and roof extensions, including specifying the materials that should be used. The Westminster City Council Character Appraisal example also included this detailed information. The CADAP members felt that there was scope for clearer guidance on what was allowed and appropriate, and they showed attendees aerial photographs of terraced houses in Conservation Areas across the borough to illustrate their point about the need for a standard design and materials guide.
- 3.28 Residents felt that the current guidance provided by the Council on what is and is not permissible, both in terms of design and materials used, did not provide sufficient detail to be helpful. There was a risk that this could lead to Officers inconsistently applying planning policy and advice. Residents in favour of permitting extensions in Conservation Areas agreed that there should be clear guidance on what designs and materials would be acceptable so as to not detract from the character and attractiveness of their Conservation Area.
- 3.29 The CADAP members argued that as well as providing clarity for residents and promoting consistency in decision making, clearer guidance would also be more efficient for both Planning Officers and residents, cutting down on duplicative requests for further guidance.

RECOMMENDATION 6:

In line with any new approach to permitting roof extensions, create new Supplementary Planning Guidance for mansard roof extensions in Conservation Areas (and following this other issues) in order to help people plan, and understand the decision making process and the reasons why some changes be acceptable or not. The guidance should:

- Be clearly illustrated with examples of best practice to allow it to be readily and easily understood by non-professionals;
- Be prescriptive and consistent where materials for extensions and renovations are not appropriate.
- Set out permitted standard designs for additional roof storeys and rear extensions where planning is approved.
- Incorporate the principles of this guidance when refreshing the Conservation Area Character Appraisal and Management Guidance.

Glossary

SPAB	Society for the Protection of Ancient Buildings
CADAP	Conservation and Design Advisory Panel
CA	Conservation Area
CA CA&MD	Conservation Area Character Appraisal and Management Document

NPPF	National Planning Policy Framework (Communities and Local Government)
LPA	Local Planning Authority (Councils)
DM27	Planning Policy relating to the management of heritage and the historic environment
Permitted Development Rights	Certain types of minor change to houses without the need to apply for planning permission. They derive from a general planning permission granted not by the local authority but by Parliament. Permitted development rights apply to many common projects for houses but do not apply to flats, maisonettes or other buildings
CLG	Department for Communities and Local Government
MDD	Managing Development Document (part of the Local Plan for Tower Hamlets)
DM	Development Management (policy within the MDD)

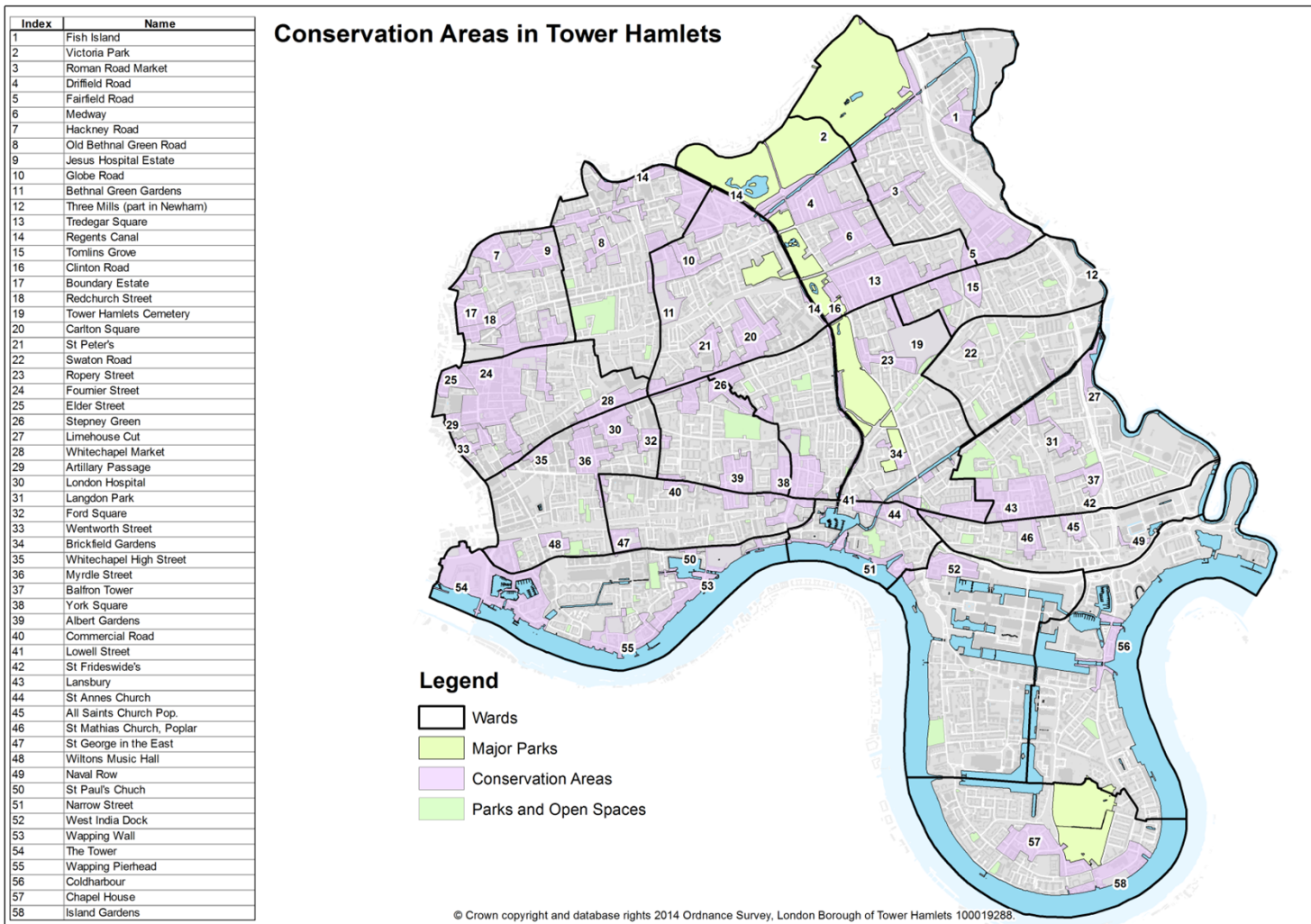
Brent Council Conservation Area Design Guide:

<http://brent.gov.uk/media/194914/Mapesbury%20conservation%20area%20design%20guide.pdf>

Barnet Council Finchley Church End Conservation Area Character Appraisal:

http://www.barnet.gov.uk/downloads/file/189/finchley_church_end

Appendix 1.1 – Conservation Areas in Tower Hamlets



Appendix 1.2 – Planning Policy relating to Conservation Areas

Document	Summary in relation to Conservation Areas
Government Planning Policy	
Planning (Listed Buildings and Conservation Areas) Act 1990	<p>An Act relating to special controls in respect of buildings and areas of special architectural or historic interest.</p> <p>Section 69 & 70 – Sets out the power of LPAs to designate and review Conservation Areas.</p> <p>Section 71 – Requires LPAs formulation and publication of proposals for preservation and enhancement of conservation areas. (1) It shall be the duty of a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas. (2) Proposals under this section shall be submitted for consideration to a public meeting in the area to which they relate. (3) The local planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting.</p> <p>Section 72 – specifies that in making a decision on an application for development in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character of appearance of that area.</p>
National Planning Policy Framework (NPPF)(DCLG) 2014	<p>The NPPF sets out the Government’s advice on planning policies for England. Section 12, Conserving and Enhancing the Historic Environment, requires LPAs to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment.</p> <p>Paragraph 62 of the NPPF directs local planning authorities to have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for a national design review. In general, early engagement on design produces the greatest benefits. In assessing applications, local planning authorities should have regard to the recommendations from the design review panel.</p>
Town and Country Planning (General Permitted Development) Order 1995	<p>The provision to make certain types of minor changes to a house without needing to apply for planning permission. They derive from a general planning permission granted not by the local authority but by Parliament. What changes are permitted are described in a document entitled Department for Communities and Local Government Permitted Development for Householders technical guidance. The Order contains Article 4 which places restrictions on permitted development rights, especially those that are publically visible from a highway, waterway or open space.</p>
Department for Communities and Local Government Permitted development for householders Technical Guidance – April 2014	<p>Accompanies the above Order. This document outlines what development is permitted and whether planning permission is required.</p>

Document	Summary in relation to Conservation Areas
<i>Regional Planning Policy</i>	
(London Plan 2011) Spatial Development Strategy for Greater London –	Chapter 7, Historic Environment and Landscapes requires boroughs, in consultation with English Heritage, Natural England and other related statutory organisations, to include appropriate policies in their LDF for identifying, protecting, enhancing and improving access to historic environment and heritage assets, memorials, historical and natural landscape character within their area.
<i>Local Planning Policy</i>	
Local Plan for Tower Hamlets (previously the Local Development Framework)	The Local Plan for Tower Hamlets which comprises the Core Strategy and the Managing Development Document sets out the Council's aim to protect and enhance Conservation Areas by preserving or enhancing the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods through encouraging and supporting development that preserves and enhances the heritage value of the immediate and surrounding environment and the wider setting. This document identifies the delivery of these aims through the Conservation Strategy and the Conservation Area Character Appraisal and Management Guidelines.
Tower Hamlets Adopted Core Strategy 2025	Core Strategy Spatial Policy 10 identifies the range of heritage assets that exist in the borough and their contribution to the character, history and heritage of Tower Hamlets. This policy provides more detailed assessment criteria to ensure that these assets are protected and enhanced by any development proposal that directly impacts on these or their setting.
Tower Hamlets Managing Development Document (MDD)	The MDD forms part of the Local Plan for Tower Hamlets. It contains a set of policies to transform the control of development and use of land into a more positive and proactive process which fits better with the ethos of spatial planning and better supports local authorities in their role as place shapers. Development Management DM27 relates to the management of the borough's heritage and the historic environment.
Tower Hamlets Conservation Strategy 2010	The Strategy feeds into the Borough's Local Plan and is aligned with the Core Strategy. The Conservation Strategy focuses on managing and enabling change to heritage resource in a way that preserves its significance. It provides guidance at borough level.
<i>Supplementary Planning Documents</i>	
Conservation Area Character Appraisal and Management Guidelines	There is a Conservation Area Character Appraisal and Management Guidelines document for each of the borough's 58 Conservation Areas. The documents set out detailed information about the area's architectural and historic character and provide an overview of the planning policy and purpose management guidelines on how this character should be preserved and enhanced.
Extension and Roof Additions Guidance	General advice for residents who may be considering the alteration or extension of their residential property

Planning in Conservation Areas: Action Plan

Comment	Action	Responsibility	Date
<p>R1. The Council should recognise the detrimental impact that some planning restrictions are having on residents and the social capital of an area and redress the balance in favour of planning applicants, whilst still seeking to protect and enhance the Borough's heritage</p>			
<p>This is the priority for the Action Plan to ensure that expanding families who wish to continue living in Conservation Areas are able to do so. The Action Plan sets out the steps by which this can take place.</p>	<p>Write a Delivery Plan outlining the programme of activities for the eight Conservation Areas with family dwelling houses where householders submit the most planning applications.</p>	<p>Plan Delivery Team, Strategic Planning, P&BC, D&R.</p>	<p>April 2015</p>
	<p>Implement the actions in the Delivery Plan for these eight Conservation Areas to help meet needs of expanding families to increase the size of family houses, ensuring, at the same time, proposals also preserve the character of these Conservation Areas.</p>	<p>Plan Delivery Team, Strategic Planning, P&BC, D&R.</p>	<p>April 2015 (start date) March 2017 (expected end date)</p>
<p>R2. Amend DM27 to:</p> <ul style="list-style-type: none"> • be more permissive towards extensions, particularly mansard roofs within Conservation Areas; • be more specific about what may and may not be appropriate within individual Conservation Areas (rather than having a blanket policy); and • rely more strongly on the individual Conservation Area Assessments for decision-making on extensions 			
<p>The review of Policy DM27 will take place through the Local Plan Review process. The review will include an audit of buildings in relevant</p>	<p>Engagement Draft of Local Plan (including DM27) for public consultation.</p>	<p>Plan Making Team, Strategic Planning, P&BC, D&R</p>	<p>August 2015</p>
	<p>Public consultation on Submission Document of Local Plan.</p>		

Comment	Action	Responsibility	Date
Conservation Areas. The process for reviewing the Local Plan is set by Statute. However the consultation process on draft policy, including DM27, gives 'weighting' to that policy and the policy can therefore be used as part of the Developing Management Process at consultation stage.			Jan/Feb 2016
	Proposed Submission Draft of Local Plan (including DM27) to Secretary of State.		July 2016
	Examination in Public.		Sep/Oct 2016
	Local Plan report to Cabinet & Full Council for approval.		Early 2017
<p>R3. Individually refresh the Conservation Area Character Appraisal and Management Documents for the eight Conservation Areas with family dwelling houses where householders submit the most planning applications:</p> <ul style="list-style-type: none"> • Appraise properties within each Conservation Area and categorise them according to their suitability for extensions; • Identify criteria where it would be possible to build additional roof storeys and back extensions and possible restrictions; • Include detailed technical notes for repairs and restoration work and for extensions, back up by photo visuals to avoid ambiguity 			
Appraise relevant housing types and categorise according to suitability for extensions with advice from the Council's Conservation and Design Advisory Panel.	Review nature of advice contained within Character Appraisal & Management documents for comparable areas in other local authorities to identify best practice.	Plan Making Team, Strategic Planning, P&BC, D&R	April 2015
	Devise assessment methodology and assess each property within Conservation Areas.	Plan Delivery Team, Strategic Planning, P&BC, D&R	

Comment	Action	Responsibility	Date
Identify criteria where it would be possible to build additional roof storeys and back extensions and possible restrictions with advice from the Council's Conservation and Design Advisory Panel.	Undertake detailed analysis of building types and research with regard to history of change within relevant Conservation Areas to inform selection of criteria against which proposals would be assessed. Clearly identify types of proposal where these are acceptable.	Plan Delivery Team, Strategic Planning, P&BC, D&R	July 2015
Technical Notes for repairs and restoration work and for extensions – backed up by photo visuals.	Assessment of buildings within Conservation Areas to identify issues and opportunities with regard to repairs and restoration work which Revised Appraisals should address.	Plan Delivery Team, Strategic Planning, P&BC, D&R	July 2015
	Undertake photographic study of buildings within Conservation Areas to inform Technical Notes.		July 2015
	Complete first draft of revised Appraisals.		September 2015
	Undertake public consultation on Revised Appraisals as set out in the Council's Statement of Community Involvement.		October 2015
	Revised Appraisals taken to Cabinet for approval.		December 2015
	Complete and publish revised Appraisals.		December 2015
R4. Write a policy for underground extensions and basements as part of the Local Plan refresh.			

Comment	Action	Responsibility	Date
<p>The review of Policy DM27 will take place through the Local Plan Review process. The review will include drafting a relevant policy.</p> <p>The process for reviewing the Local Plan is set by Statute, however the consultation process on draft policy, including DM27, gives 'weighting' to that policy and the policy can therefore be used as part of the Developing Management Process at consultation stage.</p>	<p>Background research and scoping:</p> <ul style="list-style-type: none"> ○ identify other London Boroughs with basement policies. ○ identify existing basement development in the borough. ○ Consult specialist consulting engineering advice to undertake a study / produce detailed advice on technical issues. 	<p>Plan Making Team & Plan Delivery Team, Strategic Planning, P&BC, D&R</p>	April 2015
	<p>Identifying all issues relevant to project:</p> <ul style="list-style-type: none"> ○ adequate soil depth. ○ undeveloped garden land. ○ ground conditions and land stability. ○ depth. ○ habitable accommodation. 		May 2015
	<p>Internal discussions with other Council specialists (Building Control, Highways, Tree Officer).</p>		May 2015
	<p>Formulate policy (actions, responsibility and dates as in R2).</p>		As in R2
<p>R5. Consult with residents in Conservation Areas on the use of Article 4 Directions to further restrict development as part of the Local Plan refresh.</p>			
<p>Consideration of introduction of Article 4 Directions will take place</p>	<p>Engagement draft of Local Plan (including draft Article 4 proposals) for public consultation.</p>	<p>Plan Making Team, Strategic Planning,</p>	<p>August 2015</p>

Comment	Action	Responsibility	Date
through the Local Plan Review. [As Recommendation 2 above]		P&BC, D&R	
	Public consultation on Submission Document of Local Plan.		Jan/Feb 2016
	Proposed Submission Draft of Local Plan (including DM27) to Secretary of State.		July 2016
	Examination in Public.		Sep/Oct 2016
	Local Plan report to Cabinet and Full Council for approval.		As in R2

Comment	Action	Responsibility	Date
<p>R6. In line with any new approach to permitting roof extensions, create new Supplementary Planning Guidance for mansard roof extensions in Conservation Areas (and following this other issues) in order to help people plan, and understand the decision making process and the reasons why some changes be acceptable or not. The guidance should:</p> <ul style="list-style-type: none"> • Be clearly illustrated with examples of best practice to allow it to be readily and easily understood by non-professionals; • Be prescriptive and consistent where materials for extensions and renovations are not appropriate. • Set out permitted standard designs for additional roof storeys and rear extensions where planning is approved. • Incorporate the principles of this guidance when refreshing the Conservation Area Character Appraisal and Management Guidance. 			
<p>Write a new Supplementary Planning Guidance (SPG) for mansard and roof extensions with advice from the Council's Conservation and Design Advisory Panel.</p>	<p>Assessment of buildings within Conservation Areas to identify issues and opportunities with regard to mansard roofs which SPG should address.</p>	<p>Plan Making Team Strategic Planning Development and Renewal</p>	<p>April 2015</p>
	<p>Undertake photographic study of buildings within Conservation Areas to inform SPG and use in completed document.</p>		<p>April 2015</p>
	<p>Review guidance on roof extensions provided by the National Amenity Societies and other London Boroughs with a similar housing stock.</p>		<p>April 2015</p>
	<p>Prepare guidance clearly establishing principles for roof extensions and information about the way in which an application is assessed.</p>		<p>September 2015</p>
	<p>Complete technical guidance regarding the design of an appropriate mansard, including information regarding the design details and materials expected. Guidance will be accompanied by clear illustrations and examples of good practice.</p>		<p>September 2015</p>
	<p>Drafted guidance submitted to a broad and inclusive</p>		<p>October 2015</p>

Comment	Action	Responsibility	Date
	consultation process, to capture local resident's views and ensure that the document reflects these residents' views.		
	Guidance taken to Cabinet for approval.		February 2016
	Complete and publish Supplementary Guidance.		February 2016

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Overview and Scrutiny Update Report - Delivery Plan - Recommendation 3

(All actions set out below originate from the Action Plan adopted by the Cabinet in April 2015)

Actions	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16
Set out assessment methodology and general approach to the document		←→																
Identify stakeholders and form a working group to ensure assessment methodology is robust			←→															
Present methodology and general approach to CADAP/stakeholders			←→															
Set up project team and identify and recruit appropriate resources		←→																
Undertake an audit of the roof and rear extensions of the 8 conservation areas as set out in the methodology				←→														
Undertake a review of relevant planning history (including Appeal decisions and other identified 'anomalies'.				←→														
Undertake an assessment of existing roofscape and rear elevations in terms of the overall character and appearance of				←→														
Prepare additional text for the 'Character' section of each Addendum to clarify the degree of historic significance of roof form and rear elevations				←→														
Prepare Audit maps for roof and rear extensions for each Addendum identifying different roof types and rear extensions in each conservation areas				←→														
Based on audit identify locations where roof and rear extensions may be considered with careful designing. Prepare a list of possible host properties where roof and rear extensions may be considered appropriate in a Schedule in the Addendum to the Conservation Area Character Appraisal Document					←→													
Prepare Consultation Strategy for sharing the documents with the residents and stakeholders for feedback/Date for consultation and format/Secure Venue/Adverts and publication on the web / Letters to residents and stakeholders					←→													
Provide regular update to the Lead Member and the Mayor			←→															
Review and preparation of final documents					←→													
Preparation of consultation material- maps, printed documents and other relevant planning information							←→											
Consultation Period- 23rd Nov 2015- 18th Jan 2016								←→					←→					
Consultation sessions - 6 Nos. held between 30th Nov 2015- 11th Dec 2015								←→					←→					
Review of comments/feedback received									←→						←→			
Amend and update the documents										←→						←→		
Cabinet Approval process												←→						←→

←→ Change in time scales -time scales incorporating second round of public consultaion.

Technical Notes for repairs and restoration work and for extensions in conservation areas

Maintenance and repair are essential for long term sustainability of buildings.

Maintenance can be defined as “routine work necessary to keep the fabric of a place in good order” ([Conservation Principles 2008](#)). The primary objective of maintenance is to limit deterioration. Regular maintenance regime is cost-effective and protects the building from decay and also helps to ensure the health and safety of building users and the general public.

Repair can be defined as “work beyond the scope of maintenance, to remedy defects caused by decay, damage or use, including minor adaptation to achieve a sustainable outcome, but not involving alteration or restoration” ([Conservation Principles 2008](#)). Repairs are carried out to remedy defects and to keep the building in use and prevent decay and to sustain the significance of the building or place. It is important to understand the significance of the building and how the various elements of the building contribute to its significance before carrying out repairs to establish how the elements will be affected by repair and thereby affect the significance of the building.

Historic England’s [Conservation Principles](#) defines **restoration** as returning a building to “a known earlier state, on the basis of compelling evidence, without conjecture”.

The distinction between restoration and repair can sometimes be not very clear but repair works often provide opportunity for restoration. In some cases, restoration may provide conservation benefits that cannot be achieved through repair alone.

As the owner of a home in a conservation area or as owner of a listed building you may be faced with the challenges of structural decay and need for modernisations. Owners have an important role to play in managing and maintaining the character of the conservation area. Keeping your home well maintained is the best way to ensure long term future of the building and the conservation area that it’s an integral part of. Regular maintenance such as clearing gutters, stopping leaks or repairing windows will help keep the building weatherproof and watertight and help to prevent more serious problems developing. For more complex work you will need the advice of a specialist who will be able to advise you on what sort of proposals would be suitable for your building and what materials would be best to use.

Historic England, the UK government's statutory adviser on all aspects of the historic environment provides a wealth of easily accessible advice and information to help building owners.

The following links provide advice about routine maintenance and the ongoing care needed to keep your historic building in a good state of repair.

<https://historicengland.org.uk/advice/your-home/looking-after-your-home/>

<https://historicengland.org.uk/advice/technical-advice/>

General advice is offered regarding common types of repair works needed, together with advice about how to find professional assistance. Under the [Your Home](#) section on their website. They provide valuable information about looking after historic buildings. Topics covered include maintaining and repairing an older home, understanding decay, materials, restoration, structural movement, repairing walls, repairing windows, repairing roofs, and energy efficiency.

Under the technical guidance section, energy efficiency in ways sympathetic to the historic character of the older buildings is considered as are topics around how to maintain and repair older buildings.

More specialist technical advice

Historic England also provide advice and detailed technical guidance for the specialist. A series of 10 Practical Building Conservation Books are available –

<http://historicengland.org.uk/advice/technical-advice/buildings/practical-building-conservation/> -

These ten new volumes provide a comprehensive and practical reference for carrying out repairs to historic buildings. The ten-part series looks at the conservation of buildings, materials and systems and is aimed at those who work on or look after historic buildings but also for owners.

The ten volume series includes:

[Building Environment](#)
[Concrete](#)
[Conservation Basics](#)
[Earth, Brick and Terracotta](#)
[Glass and Glazing](#)
[Metals](#)
[Mortars, Renders and Plasters](#)
[Roofing](#)
[Stone](#)
[Timber](#)

Contact details

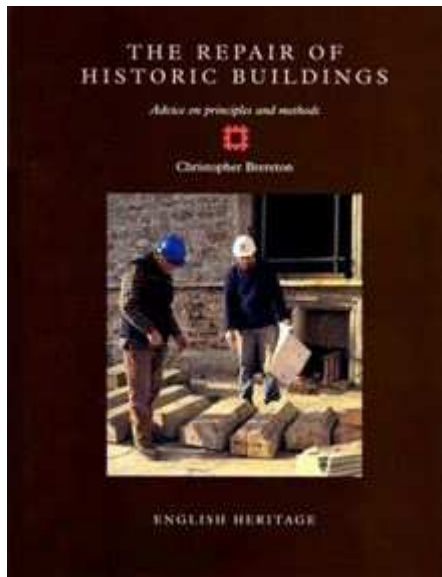
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1 Waterhouse Square
138 - 142 Holborn
London
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The Repair of Historic Buildings
Advice on principles and methods
Paperback by Christopher Brereton
Published 15 February 1995

The Repair of Historic Buildings offers comprehensive advice on correct maintenance and repair. The first section is concerned with general principles and day-to-day maintenance, followed by a detailed discussion of repair techniques, covering each of the main materials and features associated with historic buildings. In addition, the author addresses the difficult questions of when sensitive replacement rather than repair becomes necessary, and when appropriate.

CONTACT DETAILS OF OTHER ORGANIZATIONS

SPAB

37 Spital Square
London
E1 6DY020 7377 1644
www.spab.org.uk/

The Georgian Group

6 Fitzroy Square
London W1T 5DX
020 7529 8920
www.georgiangroup.org.uk/

The Victorian Society

1 Priory Gardens
LONDON
W4 1TT
Telephone 020 8994 1019
<http://www.victoriansociety.org.uk/>

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John Biggs
Executive Mayor of Tower Hamlets

London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London E14 2BG

3rd December 2015

Contact: Gulshan Begum
Tel: 020 7364 6971
Mayor@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Dear Residents,

RE Public consultation on Draft Mansard Roof and Draft Conservation Area Addendums

I recognise the needs of families in our Borough. I also recognise the needs of those with caring responsibilities for elderly or infirm dependents. I understand that many would like to extend their homes in our conservation areas to accommodate these needs and in some cases be able to stay in the borough and are frustrated by the limits placed on them by our planning policies for development in conservation area. This is why this consultation was initiated.

In response to this concern our conservation officers have produced the draft documents for consultation. These are conservation officer's professional views on what is most appropriate within the bounds of the Council's duty to protect and enhance the character and integrity of our conservation areas.

I am aware that in these matters there is a balancing act between conserving our heritage and allowing communities to grow and families to respond to personal needs, while still respecting our heritage. When I saw the consultation papers, after they had been circulated, it was obvious to me that while the design guidelines seemed reasonable, the Draft Addendums to Conservation Areas Character Appraisals did not appear to go far enough in recognising this. In some areas it will be easier to push at these boundaries than in others, because we do have important heritage to preserve but I asked for the review in response to requests for greater flexibility and I expect to see this where it is reasonable. I see the draft proposals as a baseline and I want to hear your views about how you feel the balance should be struck.

This Consultation is a necessary first step in the process to change the Council's existing policies. I urge you to take part and let the Council know your views on this important matter

Yours faithfully,

John Biggs
Executive Mayor of Tower Hamlets

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