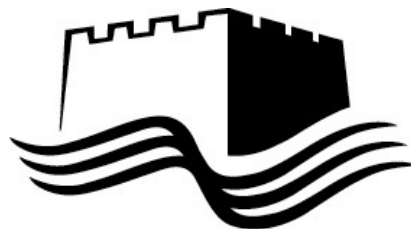


APPENDIX ONE

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

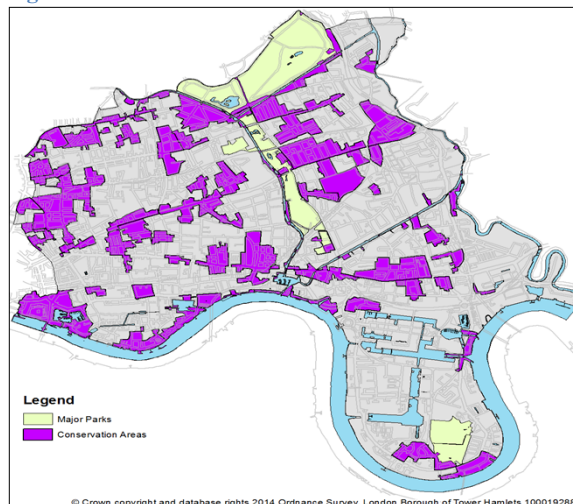
What is a Conservation Area?

- 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)

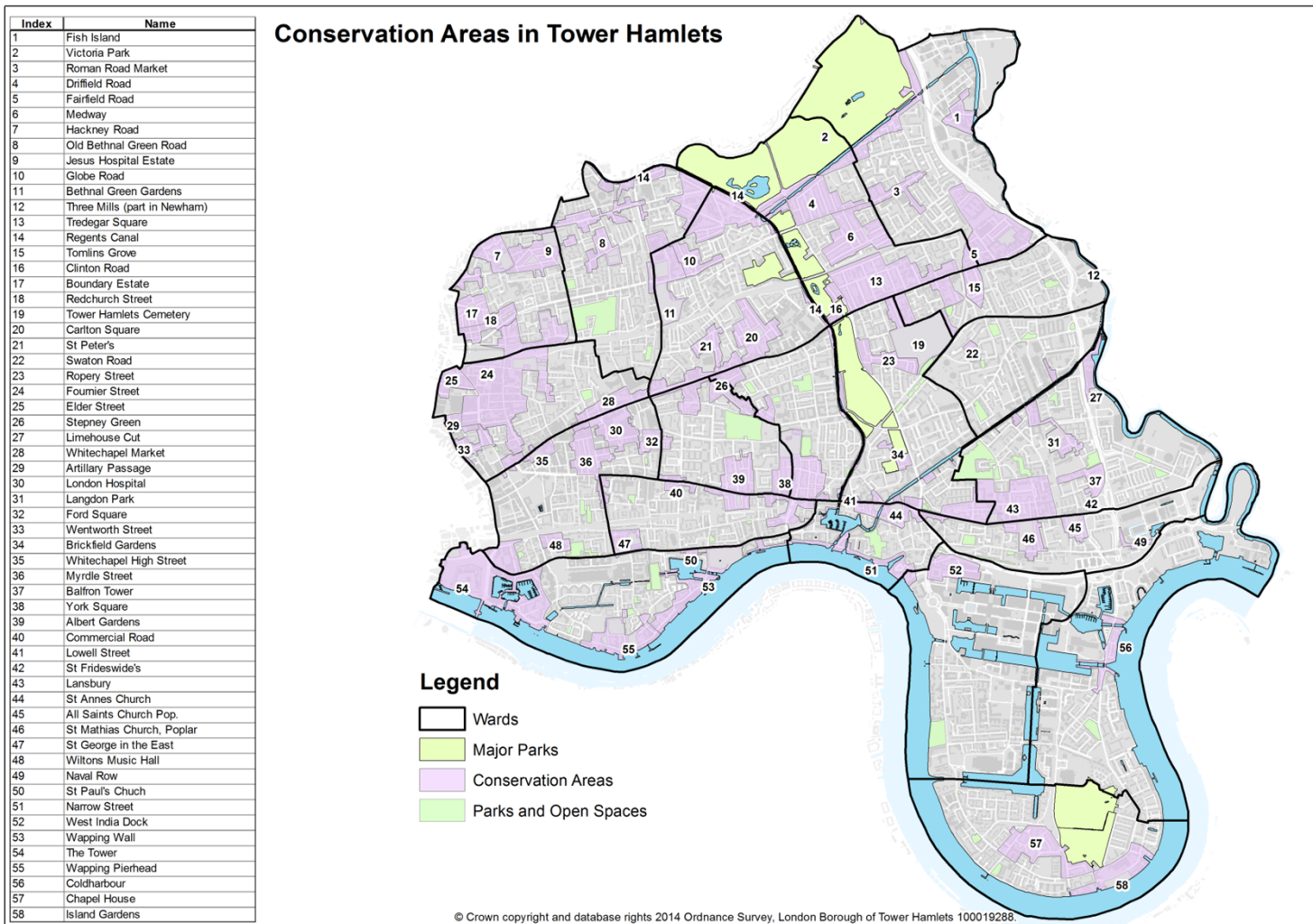
Brent Council Conservation Area Design Guide:

<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