

Appeal Decision

Site visit made on 5 July 2016

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 September 2016

Appeal Ref: APP/C5690/W/16/3148983

Land to the rear of the Lord Northbrook PH and 114 Burnt Ash Road, land at Southbrook Road, London SE12

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Mallen against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/15/92135, dated 7 May 2015, was refused by notice dated 16 November 2015.
 - The development proposed is full planning permission for the removal of internal fence, partial demolition of boundary wall to form pedestrian access, and the construction of 2No. detached 4-bedroom dwellings with associated cycle parking, storage, refuse and recycling facilities.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Lee Manor Conservation Area.

Reasons

3. Notwithstanding the presence of the adjacent Lord Northbrook public house and the small parade of shops located nearby on Burnt Ash Road, the appeal site is in a predominantly residential area within the Lee Manor Conservation Area. The appeal site is formed from the rearmost elements of the garden areas of 114 Burnt Ash Road and the adjacent Lord Northbrook public house. The latter sits on the corner of Burnt Ash Road and Southbrook Road, and its boundary wall forms the site boundary onto Southbrook Road.
 4. Much of the Conservation Area in the area around the appeal site is typified by a grid-pattern street layout running west from Burnt Ash Road. Laid out to cater for the planned development of the area in the late 19th and early 20th centuries, there is a distinct sense of place and character in the area bounded by Burnt Ash Road to the east, Manor Lane to the west, Southbrook Road to the south and Effingham Road to the north. Along Burnt Ash Road, large detached villas typically have long rear garden plots, providing a "buffer" to the planned streets running westwards from Burnt Ash Road, such as Handen, Micheldever and Southbrook Roads. There, although the scale of properties
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varies from larger villas comparable to those on Burnt Ash Road to smaller, more modest, detached and semi-detached dwellings and town houses, the streets feel spacious and open, set within a pleasant and verdant sylvan setting.

5. Key to this, I found from my site visit, are the green swathes evident at, and between, the blocks created by the perimeter roads referred to above. The well stocked long rear gardens of properties on Burnt Ash Road, with their extensive cover of mature trees, provide a verdant, sylvan buffer to properties on these intersecting roads. From each successive road, the continuous swathe is clearly evident across the "corner" plots where long rear gardens have a roadside boundary on Handen Road, Micheldever Road and Southbrook Road.
6. The appeal site, to the rear of the Lord Northbrook public house and 114 Burnt Ash Road, is one such "buffer" area. Although enclosed by a substantial brick wall and lacking the extensive presence of substantial mature trees found at similar points on Micheldever and Handen Roads, this ivy-clad wall provides a pleasingly soft foreground feature to a site that provides key visual links to the verdant backdrop provided by the mature trees beyond.
7. The two detached dwellings proposed in this instance would occupy a significant portion of this area between the rears of No 114 and the Lord Northbrook public house, and the flank wall of 2 Southbrook Road. As each dwelling would, individually, also occupy almost the entire width of their individual plots, the proposal would introduce a significant built form into a swathe of land where such structures are limited. Although their highly contemporary design would translate into a more modest two storey scale than the adjoining 2 Southbrook Road, it would nonetheless be sufficient to render the green swathe beyond largely invisible.
8. The relationship between the substantial villas on Burnt Ash Road and the properties on the intersecting streets of Southbrook Road, Micheldever Road and Handen Road is, I find, one of the key features of this part of the Lee Manor Conservation Area. Whilst I note the references to more recent interventions into these areas I do not share the appellant's view of the significance of these on the character or typology of the surrounding area.
9. Although the health centre on the northern side of Handen Road and the flats at the junction of Effingham Road with Burnt Ash Road are clearly very different in design and appearance to the prevailing built form, their scale and layout nonetheless maintains a sense of the green swathe evident elsewhere on corner plots along Burnt Ash Road. However, whilst these examples lend some weight to the appellant's contention that the local character is perhaps not a "virgin Victorian suburb", they do not erode the character of the relevant character sub-area identified in the Lee Manor Conservation Area Character Appraisal (the CACA). Nor, I conclude, do they erode the characteristics of the "villa" typology identified in DM Policy 30 of the DMLP.
10. The proposed development however, would significantly, and in my view, harmfully alter the character and appearance of this part of Southbrook Road and Burnt Ash Road. This would, in turn, cause harm to a distinctive element of the character and appearance of the Lee Manor Conservation Area, and also that of the urban typology of the area identified in the table accompanying DM

Policy 30 of the Lewisham Local Development Framework: Development Management Local Plan 2014 (the DMLP).

11. My attention has been drawn to another appeal decision¹ elsewhere within the Borough where an Inspector considered that the “villa” typology set out in DM Policy 30 of the DMLP had been eroded in the vicinity of that particular appeal site. As a consequence, the Inspector concluded that the principle of infill development there would not result in harm to the local character. Whilst I have had regard to the submitted information in that respect, I do not have the full details of that proposal, or the context of the appeal site and its surroundings, so cannot be certain that the circumstances are the same.
12. In any case, I have to consider the appeal proposal before me on its own merits. Burnt Ash Road, and the streets which lead off to the west from in, which includes Southbrook Road, all share varying elements of the “villa” typology set out in DMLP DM Policy 30. Specifically, the importance of corner plots and spaces between buildings are a key feature of the appeal site and the surrounding area. The introduction of the two dwellings would result in a form of development that would significantly erode views towards, and the visibility of, the verdant long rear gardens of residential plots beyond the appeal site. The proposal would fail to preserve the verdant setting of the area around the appeal site and the sense of space between buildings which, together, contribute significantly to the character and appearance of the surrounding area.
13. Thus, I conclude that the proposal would fail to adequately respond to the distinctiveness and character of the surrounding area and would fail to make a high quality positive contribution to the area. The proposal would therefore be contrary to the requirements of DMLP DM Policies 30 and 33. Nor would the appeal scheme preserve or enhance the character or appearance of the Lee Manor Conservation Area, contrary to DM Policy 36 of the DMLP. Therefore, for these reasons the proposal would not accord with the design and conservation aims of Policies 7.4 and 7.8 of the London Plan 2015, Policies 30, 33 and 36 of the DMLP and Policies 15 and 16 of the Lewisham Local Development Framework: Core Strategy 2011.
14. In the terms of the National Planning Policy Framework the harm to the significance of the designated heritage asset would be less than substantial but, nevertheless, any harm still requires clear and convincing justification. The appeal site is described by the appellant as being of particularly poor quality which detracts from the Conservation Area by way of its unkempt and overgrown nature. At the time of my site visit however, the interior of the site was relatively tidy. Whilst the grass within the site was long in places, it was not overgrown or unkempt to the extent that it was visible from, or harmful to, the wider Conservation Area.
15. However, the ivy-clad wall which separates the site from Southbrook Road instead provides a useful and pleasing foreground feature on Southbrook Road. Beyond, the verdant sylvan backdrop of the long rear gardens of properties fronting Burnt Ash Road link create a repeating pattern of greenery on successive intersecting streets. The sense of space between buildings and the green swathe behind it that runs largely uninterrupted along the rear gardens of these properties from the appeal site to Handen Road and beyond to

¹ APP/C5690/W/15/3014386 – 23 September 2015

Effingham Road, makes a positive contribution to the character and appearance of the Conservation Area which, I find, is a key characteristic of the area.

16. The impact of the proposal, in introducing a significant built form that would intrude into this green swathe, would be harmful for the reasons set out. The alleged public benefits of the scheme in terms of a contemporary design approach, noting the points of agreement between the main parties, and the delivery of two additional dwellings, would not outweigh the great weight I am required to attach to the heritage asset's conservation.

Other Matters

17. The proposal would provide two additional dwellings. I have also noted the points of agreement between the main parties in respect of certain elements of the scheme. Whilst these factors weigh modestly in favour of the proposal, they would not outweigh the great weight I am required to attach to the heritage asset's conservation.

Conclusion

18. For the reasons set out, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR