
Appeal Decision

Site visit made on 20 September 2016

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 11 October 2016

Appeal Ref: APP/C5690/W/16/3153875
70 Granville Park, London SE13 7DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Terry Dennis against the Council of the London Borough of Lewisham.
 - The application Ref DC/15/94094, is dated 14 October 2015.
 - The development proposed is described as the addition of a new terrace at upper ground floor level, to include a stair down to the garden.
-

Decision

1. The appeal is dismissed and planning permission for the addition of a new terrace at upper ground floor level, to include a stair down to the garden is refused.

Procedural matters

2. The Council has provided with its appeal documents a copy of the planning officers report as its statement of case. This document sets a recommended reason for refusal relating to the effect of the proposal on the character or appearance of the Blackheath Conservation Area and in respect of the living conditions of the occupiers of neighbouring properties.
3. The appellant has provided with his appeal submission an additional drawing numbered 1108-5001-P03 which shows alternative balustrade details to that set out in the application. I do not consider that the plans change the nature of the application and if I were minded to allow the appeal, such a change could be sought by means of a planning condition. Consequently, my consideration of the appeal on this basis would not give rise to the prejudice of interested persons.

Main Issues

4. The main issues for the appeal are:
 - Whether or not the appeal proposal would preserve or enhance the character or appearance of the Blackheath Conservation Area; and
 - The effect of the proposal on the living conditions of neighbouring occupiers with particular regard to any increased sense of enclosure and/or overlooking.
-

Reasons

Character or appearance

5. The appeal proposal relates to 70 Granville Park, one of a pair of brick built villas situated within the Blackheath Conservation Area. I saw at my site visit that the Conservation Area around the appeal site has a predominantly residential character, typified by large residential buildings with some uniformity in design and appearance. The proposed platform and stairs would extend out from the rear of a shallow two storey projecting element of the building at what has been described as the upper ground floor level, with the existing window to the living room being enlarged to accommodate a door. I noted during my site visit that whilst the proposed development would not be prominent from public places, it would be visible in private views.
6. The appeal proposal would introduce new elements to the building in the form of the enlarged opening, platform and projecting stairs which would extend across much of the width of the rear projection of the building and extend down to the garden. The platform and projecting stairs would appear as prominent additions on the rear elevation and disrupt the symmetry of the pair of villas. I note the comments that the proposal has been designed in terms of its weight and appearance so as to minimise its effects and be sympathetic to the original fenestration and that timber handrails and steel balustrades may be more in keeping with the character of the building than glass screens, being of materials more in keeping with the host building. If I were minded to allow the appeal I could deal with materials by way of a planning condition. However, I consider that the appeal proposal would nevertheless appear incongruous in a prominent position on the rear of the building and that the appeal proposal would not preserve or enhance the character or appearance of the Blackheath Conservation Area.
7. I have taken into consideration that the Council has granted planning permission for an alternative scheme (ref DC/16/097566) for an access platform and rear stair to the garden. It has been described that this planning permission relates to access being taken from the position of a window on the western side of the rear elevation, with a smaller access platform being provided. Whilst I have not been provided with full details of this scheme, I consider that it would be sited in a less prominent position on the rear elevation than the appeal proposal, where it is less likely to effect the symmetry of the pair of buildings. Consequently, whilst a rear access platform and stairs has been consented on the rear of the building, that does not change my conclusion regarding the harm which would result from the appeal scheme.
8. Government Policy in respect of the historic environment is set out in the National Planning Policy Framework (the Framework). Paragraph 126 recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. The harm found in this case would be less than substantial to the Conservation Area as a whole and any harm, which is less than substantial, must be weighed against the public benefit of the proposal. In addition, section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

9. Whilst the harm to an individual site may be less than substantial, the incremental and cumulative harm that could arise from similar proposals could adversely affect the conservation area and the heritage asset as a whole. As heritage assets are irreplaceable, any harm requires clear and convincing justification. However, in this case the alterations relate to a private dwelling and there are no public benefits that would offset the limited harm identified.
10. The appeal proposal would not preserve or enhance the character or appearance of the Blackheath Conservation Area. The proposal does not accord with Lewisham Local Development Framework Development Management Local Plan 2014 (Local Plan) Policy DM 30 which is concerned with urban design and local character, Local Plan Policy DM 31 which is concerned with alterations and extensions to existing buildings and Local Plan Policy DM36 which is concerned with new development affecting designated heritage assets. The proposal also conflicts with Lewisham Local Development Framework Development Plan Document Core Strategy 2011 (Core Strategy) Policy 15 which is concerned with high quality design and Core Strategy Policy 16 which is concerned with safeguarding the value and significance of heritage assets. The appeal proposal is also contrary to Policy 7.4 of The London Plan March 2016 which includes that development should be informed by the surrounding historic environment and London Plan Policy 7.8 which includes that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale and architectural detail.

Living conditions

11. The proposed rear access platform and stairs would provide direct access from the living room of the flat to the garden. The proposed platform would have a timber deck and sit above the windows and doors to the living room of the flat below, projecting out about 0.9 metres, with the stairs to the garden to one side. I saw at my site visit that the floor level of the ground floor flat is appreciably below that of the garden and consequently, the outlook from the living room of the ground floor flat is already compromised to a degree by the difference in levels. Whilst I note the terrace is above the ceiling height of the lower flat and the appellants comment that projecting balcony arrangements are common in modern developments, I consider that the addition of the access platform and stairs combined with the difference in levels in this particular case, would give rise to an unacceptable sense of enclosure for the occupiers of the ground floor flat.
12. The proposed platform and rear doors would be situated in relative close proximity to the boundary with the neighbouring 68 Granville Park. Whilst there is an existing degree of mutual overlooking of neighbouring gardens between the appeal property and its neighbours and some screening by vegetation, the provision of the proposed platform and rear access door would inevitably increase the potential for overlooking of neighbouring gardens. I consider that the width of the platform is such that it would not allow people to congregate and that the erection of an obscure glazed screen to the side nearest to No 68, which could be secured by a planning condition should I allow the appeal, would however safeguard the living conditions of the occupiers of neighbouring dwellings.
13. The appeal proposal would therefore give rise to harm to the living conditions of neighbouring occupiers due to an increased sense of enclosure. The

proposal is contrary to Local Plan Policy DM31 which includes that residential extensions should result in no significant loss of amenity to adjoining houses. It also does not accord with Core Strategy Policy 15 which includes that adaptations to existing housing will need to be designed to protect neighbour amenity. The appeal proposal is also contrary to Policy 7.6 of The London Plan which includes that development should not cause unacceptable harm to the amenity of surrounding land and buildings. The proposal does not accord with paragraph 17 of the Framework which states that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

14. I have considered the comments that the stair would allow more convenient access to the garden from the family dwelling, that the appeal proposal would allow for a more efficient use of the building and that alternative arrangements have been considered. I have noted that the local ward Councillors and the Blackheath Society did not object to the application. I also note the comments regarding the Councils handling of the application, but those are matters for local government accountability. I have also the references made to development plan policies.
15. The appellant has referred to similar arrangements elsewhere within the Conservation Area. However, I have not been provided with any details of such schemes and cannot determine whether they are similar to the appeal scheme and if so, whether they should provide an example to be followed given the harm found.

Conclusion

16. For the reasons given above and having considered all matters raised, I conclude that the appeal should be dismissed and planning permission refused.

Philip Lewis

INSPECTOR