

Appeal Decision

Site visit made on 20 December 2016

by J A B Gresty MA MRICS

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

Decision date: 18 January 2017

Appeal Ref: APP/C5690/D/16/3161043

36 Chalsey Road, Crofton Park, London SE4 1YW

- 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 Dan Lehner against the decision of the Council for the London Borough of Lewisham.
 - The application Ref DC/16/097211, dated 23 March 2016, was refused by notice dated 9 September 2016.
 - The development proposed is to replace existing concrete path from pavement to front door with replica Victorian tiled path, repair and re-point existing boundary front wall onto street and installation of wrought iron railings along the top, installation of bike shed and bin store in front of garden and replacement of wooden gate onto street with wrought iron gate.
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Decisions

1. The appeal is allowed and planning permission is granted for to replace existing concrete path from pavement to front door with replica Victorian tiled path at 36 Chalsey Road, Crofton Park, London SE4 1YW in accordance with the terms of the application, Ref DC/16/097211, dated 23 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the replacement path hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: site plan and current/proposed garden layout (date stamped received by the local planning authority 8 July 2016).
 2. The appeal is dismissed with respect to repair and re-point existing boundary front wall onto street and installation of wrought iron railings along the top, installation of bike shed and bin store in front of garden and replacement of wooden gate onto street with wrought iron gate.
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Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the Brockley Conservation Area.

Reasons

4. The appeal property is a two-storey, late Victorian terraced house dating from about 1900 and is situated in the Brockley Conservation Area. Chalsey Road is a residential road characterised by similar style and age terraced housing with small front gardens which are open to view from the road. The appeal property reflects the character and appearance of this part of Chalsey Road and contributes to the generally regular pattern of development which is a positive characteristic of this part of the Conservation Area.
5. The appellant proposes the repair of the existing dwarf boundary wall of the front garden, installation of iron railings on top of the wall and replacement of the timber gate with a metal gate. The existing wall is built of red brick and is stepped to take account of the slope of the road. Along part of the wall there is white painted tubular railing which stands out as a stark feature which does not reflect the character or appearance of the appeal property as a whole. Repair of the wall and replacement of the metal tubular rail with an alternative style of railing could result in an improvement in the appearance of the front of the appeal property and replacement of the gate with a metal one could be in keeping with the character and appearance of the late Victorian house. However, whilst the appellant has provided photographs of other front garden walls and a layout drawing of the proposed front garden area, drawings of the proposed elevations of the wall, gate and iron railings have not been provided. In particular, from the evidence presented, it is not clear what height the railings would be in relation to the brick piers of the wall, if the side wall would also be altered to match the front or if the railings would match the style of the proposed new gate.
6. The proposed development would include installation of a bike shed and a bin store in the front garden. The appellant has included an outline of a bike store and space for two bins on his drawing of the proposed layout, received by the Council on 8 July 2016. He has also provided photos of a bike store and a bin store at another property as well as an illustration of different style of store on his layout drawing. The black store structure shown on one of the photos appears larger than proposed on the layout drawing. Overall, it is unclear what the appellant proposes with regard to a bin store and bike shed and I am unable to reach a conclusion regarding these aspects of the appeal scheme.
7. The appeal proposal includes replacement of the concrete footpath which leads from the pavement to the front door of the house with a path paved with Victorian style tiles. It is understood that this would reflect the original design of the property and during my inspection I noted that some of the houses nearby have tiled front paths. Accordingly, replacement of the concrete path, which is a fairly stark and unsympathetic feature of the property, with a tiled path would be likely to result in an improvement in the appearance of the property in the street scene which would be in keeping with the character and appearance of this part of the Conservation Area. However, although photos of tiled paths of other properties have been provided, details of the proposed tiling have not

been provided and it is unclear what style of tile is proposed. Whilst I am unable to conclude that the works as proposed would be sympathetic to the character or appearance of the Conservation Area, this matter could be overcome by imposition of condition and would not be reason alone to dismiss this appeal.

Conclusions

8. The Council does not object to the principle of the proposed works to the front of the appeal property and I conclude that sympathetic alterations to the wall and path would result in an improvement in the appearance of the appeal property and an enhancement of the character and appearance of this part of the Brockley Conservation Area. However, drawings which illustrate the proposed works clearly have not been provided. In particular, Chalsey Road slopes steeply and new features such as a bike shed and railings on top of the wall could appear unduly prominent when viewed from down the hill. Whilst the appellant's Heritage Statement provides some indication of the proposed works, the lack of drawings to illustrate the bulk and height of the proposed works contribute to general lack of clarity of the proposed scheme.
9. I have considered whether the appeal could be allowed subject to conditions which would require further details to be provided and approved before of the implementation of the proposed works. However, it is unclear whether features such as the bike and bin stores could be installed in the positions proposed without harm to the character and appearance of this part of the Conservation Area. Also, the limited detail that has been presented of the proposed works to the wall, railings and gate makes it impossible to be sure just what would be approved or if some aspects of the appeal scheme could be implemented without harm to the Conservation Area. Therefore, I conclude that for the scheme as a whole imposition of conditions as suggested by the Council would fail to meet the requirements of paragraph 206 of the National Planning Policy Framework. However, the appeal scheme consists of distinct parts, some of which I am able to separate. Accordingly, I am able to issue a split decision in this case.
10. Whilst Policy 36 of the Lewisham Development Management Local Plan (DM) encourages reinstatement of architectural features in conservation areas, such as front gardens and boundary walls, it indicates that permission will not be given for new development or alterations which would not preserve or enhance the character and appearance of a conservation area. In this case it is unclear whether the proposed works to the wall, railings, gate and installation of bin and bike stores would preserve or enhance the character or appearance of this part of the Brockley Conservation Area. Whilst there is a considerable variety of treatment of front gardens and boundary walls of properties on Chalsey Road, and the overall extent of the proposed works is modest, the cumulative effect on the character and appearance of the Conservation Area of permitting developments of a poor standard of design would be significant. For the above reasons, it is not possible to conclude that the proposed works to the wall, railings, gate and installation of bin and bike stores would preserve or enhance the character or appearance of the Brockley Conservation Area or meet the design requirements DM Policies 36, 30 and 31 or Policies 15 and 16 of the Lewisham Core Strategy. Therefore, on balance, in these respects I conclude that the appeal should be dismissed.

11. With regard to the proposed tiling of the front path, the scope of the proposed works are sufficiently clear and, for the above reasons, I conclude that appeal should be allowed subject to a condition which would require details of the proposed tiles to be approved by the Council before the start of works. Such condition would ensure the satisfactory appearance of the works. Also, for the sake of clarity, I impose a condition requiring the works to be carried out in accordance with the plans submitted.

J A B Gresty

INSPECTOR