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## Appeal Decisions

Site visit made on 28 February 2017

**by Cullum J A Parker BA(Hons) MA MRTPI IHBC**

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

**Decision date: 7<sup>th</sup> March 2017**

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### **Appeal A Ref: APP/A5840/W/16/3161482**

#### **43 Trinity Street, Southwark, London, SE1 4JA**

- 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 Robert Goldspink against the decision of the Council of the London Borough of Southwark.
  - The application Ref 16/AP/1045, dated 18 March 2016, was refused by notice dated 3 June 2016.
  - The development proposed is described as '*Convert the existing basement into a 2bed self-contained dwelling and extend the existing roof to form a mansard containing an additional 2bed self-contained flat.*'
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### **Appeal B Ref: APP/A5840/Y/16/3161483**

#### **43 Trinity Street, Southwark, London, SE1 4JA**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Robert Goldspink against the decision of the Council of the London Borough of Southwark.
  - The application Ref 16/AP/1046, dated 18 March 2016, was refused by notice dated 13 June 2016.
  - The works proposed are described as '*Convert the existing basement into a 2b3p self-contained dwelling, including replacing existing windows with a traditional doors and adding a new window to the rear elevation and a new external stair from street level to basement level, via the light well. Extend existing roof with mansard to accommodate a self-contained 2b3p dwelling, extending rear wall to match neighbouring property.*'
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## **Decisions**

1. The appeals are dismissed.

## **Main Issues**

2. The main issues are whether the proposals would preserve the listed building or any features of special architectural or historic interest it possesses, and whether they would preserve or enhance the character or appearance of the Trinity Square Conservation Area.

## **Reasons**

3. No 43 Trinity Street is a Grade II listed, mid-terrace property located within the Trinity Square Conservation Area. Many of the buildings within the conservation area date from the early- to mid-1800s. I saw during my site inspection that the appeal building has a 'v' shaped or 'butterfly' roof. I also saw that although Nos 47, 39 and 37 Trinity Street, which adjoin the appeal
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property have mansard style roofs, these are not coherent in either form or style, with a mixture of heights and forms.

4. What is more, the majority of the terrace, which is listed as a group, have retained the butterfly roof form. This is of value as an important element of the original architectural design, and from which the architectural significance of the listed building derives part of its significance from. This is reinforced by the overall composition of the terrace, which although there are some slight differences along its front and rear elevations, has nonetheless retained a fairly comprehensive composition when viewed from Trinity Street and Shere House to the rear. It also makes an important contribution to the character and appearance of the conservation area, where the quality of the listed buildings contribute towards the distinct character it possesses.
5. The proposed roof extension would be similar to that found at No 39, including the raising of the rear elevation and the use of dormers, albeit in a slightly different proposed form. However, irrespective of its design, the mansard roof proposed would result in the complete loss of the butterfly roof form at No 43, and in doing so it would fail to preserve the architectural and historic interest of the listed building, the significance of which I have identified above. For similar reasons, the proposed changes in the roof form would fail to preserve or enhance the character of the conservation area. Whilst I note that there are other examples locally of mansard style roofs, these only underpin the rarity of the butterfly roof form, and the importance of retaining its important contribution to the street scape.
6. The proposal also seeks the use of double glazed vertical sliding sash windows, the creation of a walk-thorough in the front lightwell under a set of steps, and the formation of steps into the lightwell to provide access to a new basement flat, together with the insertion of a gate into the railings and removal of part of the plinth the railings sit upon. The proposed double glazed windows would introduce a new window style at the property, which are currently single glazed timber windows.
7. Whilst they would replicate the vertical sliding sash opening style, it is very unusual for double glazed windows to be able to fully reflect the single glazed style due in part to the need normally for thicker frames to mount the glass, for example. In any case, the introduction of double glazed windows into a listed building where there are none, and in the context of the wider terrace which almost exclusively appears to have single glazed timber windows would fail to preserve the architectural interest of the listed building in this case.
8. In terms of the proposed openings in the front railings to provide access to the lightwell and basement flat, I saw that along this terrace this is not a feature. Whilst I saw other limited examples within the wider street scene, these were typically serving larger lightwells and representative of the terraces they are a part of. The proposal in this case would erode this part of the composition of the terrace when viewed from Trinity Street through the introduction of an incongruent opening within the plinth and the use of a gate. These changes would therefore fail to preserve the architectural interest of the listed building.
9. With regard to the internal works proposed, I note that proposed drawings for the second floor have not been submitted. Notwithstanding this error, it is clear that the proposal seeks the continuation of the main stairwell from the second to a new third floor created within the proposed mansard roof. I note

the Council's observations in respect of the loss of floorplan from the resulting additional floor. However, given that the stairs would be located in the same location as the existing main stairs, and would continue in a similar fashion to these to the new floor (or the details could be controlled through the use of an appropriate condition), it is unclear as to how there would be material harm to the floorplan or the contribution this makes to the significance of the listed building.

10. Indeed, I saw during my site visit that, in the main, many original features, such as cornicing or skirting boards, were no longer present. I therefore find that the floorplan proposed on the new floor would be acceptable and subject to the use of various conditions find that it *may* be possible to find the proposed access to the third floor through an extension to the existing staircase acceptable. However, given the intrinsically linked aspects of both appeals a split decision in this respect would not be appropriate.
11. I have found that the proposal would give rise to harm to the significance of heritage assets in the form of the proposed; loss of the butterfly roof, introduction of double glazed windows, and the removal of part of the plinth and subsequent introduction of a gate into the front railings. Paragraphs 132 to 134 of the *National Planning Policy Framework* (the Framework) set out degrees of harm which are 'substantial' or 'less than substantial'. Neither term is defined; however given that scale of the works involved I consider that the proposal would result in no more than less than substantial harm.
12. Nonetheless, identifying less than substantial harm in respect of heritage assets does not reduce the considerable importance and weight that should be afforded to the statutory duties to preserve heritage assets, as set out in Sections 16(2), 66(1) and 72(1) of the PLBCA Act 1990, as amended. Paragraph 134 of the Framework indicates that where a proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits.
13. In this case, whilst I note the points made about exiting mansards both along the Grade II group listed terrace and within the wider conservation area, this would not represent a public benefit as it necessitates the removal of an architectural feature that replicates the likely historical roof form at the property. No other public benefits are cited by the appellant. The less than substantial harm identified in this case is not outweighed in this instance.
14. I therefore conclude that the proposed development and works would fail to preserve the special architectural or historical interest of the Grade II listed building, nor would it preserve the character of the Trinity Square Conservation Area. As such, it would conflict with Policies SP12 of the *Southwark Core Strategy 2011* and Policies 3.12, 3.15, 3.16 and 3.18 of the *Southwark Plan 2007*, which, amongst other aims, seek to preserve or enhance the historic environment including conservation areas and listed buildings. It would also conflict with the Policies of the Framework which, beyond those already cited, include conserving heritage assets in a manner appropriate to their significance.
15. For the reasons given above, I conclude that both appeals should be dismissed.

*Cullum J A Parker*

INSPECTOR