
Appeal Decisions

Site visits made on 28 February and 25 April 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: 23rd May 2017

Appeal A Ref: APP/A5840/W/16/3162041

43 Trafalgar Avenue, London, SE15 6NP

- 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 Angus Henderson against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/3242, dated 8 August 2016, was refused by notice dated 4 October 2016.
 - The development proposed is described as *'the planned development of the property is the construction of a new period dormer to the of the property and a new staircase from the second to the third floor within the roof space (sic).'*
-

Appeal B Ref: APP/A5840/Y/16/3162039

43 Trafalgar Avenue, London, SE15 6NP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) against a refusal to grant listed building consent.
 - The appeal is made by Mr Angus Henderson against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/3243, dated 8 August 2016, was refused by notice dated 4 October 2016.
 - The works proposed are described as *'the planned development of the property is the construction of a new period dormer to the of the property and a new staircase from the second to the third floor within the roof space (sic).'*
-

Decisions

1. Both appeals are dismissed.

Preliminary Matters

2. The description used in the above headers does not identify the elevation for which the dormer is sought. For clarity, the submitted drawings show a dormer on the rear roof slope.
 3. At the site inspection in February 2017 I was unable to gain access into the building. Arrangements were made for me to inspect internally the appeal building; which I did in April 2017. At both site inspections I was able to see that some works have been undertaken at the appeal site, including the addition of a dormer in the rear roof slope.
 4. Upon comparison with the submitted drawings, it was clear that the works on site do not reflect those on the submitted drawings. For example, the layout of fixtures in the en-suite is incorrect, the location of the store and its stud wall is incorrect, doors are in the wrong place, the store areas in 'Bedroom 5' do not
-

match in terms of their siting (and therefore the dormer is not as central to the room as shown on the plans) and the installed stair case has a significantly smaller open well element (details shown on drawing M730_019 PL2). Given these difference, and for the avoidance of doubt, I have considered the appeal schemes on their own merits and on the basis of the submitted drawings.

Main Issues

5. The main issues are:

- Whether the proposed works would preserve the listed building or any features of special architectural or historic interest it possess; and,
- Whether the proposed works would preserve or enhance the character or appearance of the Trafalgar Avenue Conservation Area.

Reasons

6. The appeal building is a mid-terrace three storey building with basement dating from the early 19th Century. The building is located within the Trafalgar Avenue Conservation Area, the significance of which derives in part from it being an example of early 19th Century terraced housing situated facing onto a wide road. The appeal building is listed Grade II, together with nine other in the terrace. The listing description indicates that the listing is a group value listing, and this suggests that part of its significance derives from the overall composition of the 10 dwellings in the terrace.
7. This is evidenced by the fact that the dwellings share a number of architectural features as detailed within the listing description and the front elevations of the terrace have retained a fairly uniform appearance facing onto Trafalgar Avenue. To the rear of the terrace there is a range of mixed styles, with additions to the rear elevations. Nevertheless, the rear roof slopes have, in the main, retained their 'turnerised' slate or slate finishes; with only one example of a dormer in the rear roof slope. I understand that this dormer was erected prior to the listing of the building. In practice, this means that the main roofline at the back of the terrace retains a fairly uniform appearance with flat slate roofs intersected by party walls with chimneys.
8. The proposals seek the insertion of a dormer window in the rear roofslope. This would be at odds with the prevailing pattern of development along the terrace where the only example of such a feature pre-dates the listing of the terrace. What is more, the insertion of the dormer proposed would interrupt the generally unaltered roofline at the rear of the terrace; especially when seen from Burgess Park to the rear. These are concerns which are echoed by Historic England in their representation of the May 2015, which I see no reason not to concur with. As such, I find that the proposed dormer would erode the overall visual composition of the terrace and its rear roofline, which would result in harm to its significance and fail to preserve the special interest of the listed building. For similar reasons it would fail to preserve the appearance of the Trafalgar Avenue Conservation Area.
9. Internally, appeal B seeks the conversion of the attic into a bedroom, en-suite and stores. This would include the creation of a new staircase which, whilst being fed off the existing staircase from the second floor, would not replicate the location or form of the main staircase within this early 19th Century terrace house. What is more, drawing M730_019 PL2 appears to show the side wall or

party wall with No 41 Trafalgar Avenue step in towards the rear of the property, whereas during my site inspection there was no obvious step-in in this location. As a result, not only would the proposed staircase be offset awkwardly from the existing staircase, but its precise location within the third floor level would not in effect be holstered by a step-in on the party wall, but instead left as an artificial feature hanging over part of the existing staircase. The introduction of such feature would appear as an awkward add-on, which would fail to appreciate the importance of layout within this listed terrace building.

10. As such, I find that the external and internal works proposed would result in harm to the significance of the designated heritage assets and fail to preserve the special interest of the listed building. Accordingly, they would fail to preserve the listed building and the special attention required to the character or appearance of conservation areas; consideration of which is as expressly sought in Sections 16(2), 66(1) and 72(1) of the PLBCA.
11. Paragraphs 132 to 134 of the *National Planning Policy Framework* (the Framework), require that I assess the degree of harm. In this case, I consider that the proposals would cause no worse than less than substantial harm given they would only affect part of the listed building and conservation area. Nevertheless, I am required to give considerable importance and weight to the desire to preserve the significance of designated heritage assets. Paragraph 134 of the Framework indicates that where less than substantial harm is identified, that this is weighed against the public benefits. In this case, no public benefits have been suggested which would outweigh the less than substantial harm identified.
12. My attention has also been drawn to the setting of the Glengall Road Conservation Area. However, this is located some distance from the appeal site and the intervening gap means that the proposal would not result in harm to the setting of that designated heritage asset.
13. I therefore conclude that proposals for both appeals would fail to preserve not only the Grade II listed building but also the Trafalgar Avenue Conservation Area. Accordingly, it would be contrary to Policies 3.12 and 3.17 of the *Southwark Plan 2007* and Strategic Policy 12 of the *Core Strategy 2011*, which, amongst other aims, seek to ensure that development proposals involving listed buildings should preserve the building and its features of historical and architectural interest.
14. The proposals would also be contrary to the Policies of the Framework, which in addition to those already cited, include conserving heritage assets in a manner appropriate to their significance.
15. For the reasons given above, and having taken all matters raised into account, I conclude that both appeals should be dismissed.

Cullum J A Parker

INSPECTOR