

Appeal Decision

Site visit made on 2 May 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 23 May 2017

Appeal Ref: APP/C5690/W/17/3169325

17 Brandram Road, London SE13 5RT

- 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 Thorndean Developments Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/098770, dated 17 October 2016, was refused by notice dated 2 February 2017.
 - The development proposed is demolition of existing buildings at 17 Brandram Road SE13 and the construction of a three storey block to provide three two bedroom and 1 three bedroom self-contained flats, together with provision of 4 cycle spaces.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal preserves or enhances the character or appearance of the Blackheath Conservation Area

Reasons

3. The Blackheath Conservation Area (CA) covers a large area. To the north is a substantial area of heathland and built development to the south. A railway line intercepts the CA which, when built, stimulated further development. As a result the area has a mixture of open spaces and buildings of a diverse age and style. The Blackheath Conservation Area Appraisal and Supplementary Planning Document 2007 (SPD) describes this as a varied mixture of buildings of different periods; unexpected corners, strange historic survivals, and stylish new additions.
 4. The appeal site is located in an area to the south of the CA which has a high number of traditional regular terraces of buildings as a dominant building form. These are interspersed with pockets of modern development. Building heights are varied and together with fenestration details tend to reflect the rising and falling land levels within the area.
 5. The appeal site is located on the corner of Brandram Road and Dacre Gardens and is occupied by a group of single storey buildings. The buildings are of little if any architectural and historic interest and there is no dispute that their removal would have the potential to enhance the character and appearance of the CA.
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6. The proposed replacement building would be predominantly three storey with a mansard roof incorporating dormers and balconies. The proposal would also retain a front boundary wall of the existing structure on site, believed to be part of the original Dacre Place.
7. Most of the adjacent terrace is referred to within the SPD as containing buildings making a positive contribution to the CA. The buildings at the southern end of the terrace are three storey. However, notwithstanding the rising ground levels towards the north of the terrace, it has a fairly consistent building height, terminating at a modest two storey adjacent to the appeal site. As a result the introduction of a much higher three storey building on the appeal site would dominate the existing terrace.
8. Roofs in the area are mainly of a traditional pitched or hipped simple design and are subservient to the host building. While dual pitched, the use of a mansard roof would conflict with that simplicity and instead would give the building a top heavy imposing appearance further reinforcing its prominence when viewed with the adjacent terrace. This would be emphasised by the introduction of uncharacteristic dormers and balconies. While such features may be common traits of Georgian and Victorian buildings none were drawn to my attention in the vicinity of the appeal site.
9. Properties on Dacre Gardens to the rear of the site would appear higher than the proposed building. Visually however, the location of the appeal site relates more to the adjacent terrace than the buildings to the rear. Furthermore, other three storey properties referred to by the appellant form an integral part of nearby uniform terraces which are characteristic of the CA.
10. The materials to be used in the development would match those on the existing terrace. Nevertheless, the design of the adjacent terrace responds to the incline of the street from south to north through the stepping up of the fenestration and detailing. The proposed building makes no reference to the topography of the street. This would be exacerbated by the retention of the front wall of part of the existing building. I appreciate the sentiment behind its retention, but its relative lack of architectural merit, together with its position obscuring part of the ground floor of the proposed building significantly detracts from the scheme.
11. I have given some consideration as to whether the removal of the wall and the insertion of windows into the front elevation could be secured by way of a condition as suggested by the appellant. However, I am of the opinion that this would fundamentally alter the scheme and it would not therefore be reasonable to control such a change by way of a condition.
12. The combination of the above factors means that the appeal proposal would be an amalgamation of design features that would be uncharacteristic of the surrounding area. This together with the proposed height of the building means it would fail to integrate and have a positive relationship with the adjacent terrace. As a result, while the CA as a whole consists of a mix of development styles and ages, in this instance the proposal would be a visually obtrusive and discordant building within the streetscene. There would be material harm in this regard and, as a consequence, the character and appearance of the CA would not be preserved.
13. I appreciate that long views of the site from the south may be limited due to the set back of the proposal, the position of existing buildings, and the narrowness

and incline of the street. Nevertheless as the site is approached from the south the proposed building would become more noticeable. Furthermore, it would be very visible from the north. Accordingly, although the removal of the existing buildings would enhance the character and appearance of the CA, their replacement with the appeal proposal would result in material harm. Whilst the harm to the character and appearance of the CA would, in this instance, be less than substantial, it is a consideration of significant weight and, under the terms of the Framework requires justification by way of public benefits the development may bring.

14. The construction of the building would derive some economic benefits but this would be for a limited time. The development would contribute four units of accommodation within an accessible location towards the Council's housing supply. The appellant stresses the social benefit of the housing in the light of advice in the Greater London Authority's Housing Supplementary Planning Guidance 2016 which acknowledges housing targets are inaccurate and the need to achieve and exceed minimum housing targets and stresses the importance of windfall sites.
15. Nevertheless, the Council confirm it has a five year housing land supply and a resilient supply of housing for the next fifteen years. Although I accept that housing targets are a minimum not a maximum, the Council has stated that they are currently exceeding their housing targets. As such, the contribution to housing supply in the area has limited weight. Moreover, similar benefits could be achieved from a scheme whose design did not cause the same harm to the character and appearance of the CA.
16. The National Planning Policy Framework (the Framework) notes that heritage assets are an irreplaceable resource and that great weight should be given to their conservation. The benefit of the additional housing would not therefore in this instance outweigh the resulting harm to the CA.
17. For the reasons above I consider that the proposal would not preserve or enhance the character or appearance of the Blackheath CA. It would therefore be contrary to Policies 7.6 and 7.8 of the London Plan The Spatial Development Strategy for Land Consolidated with Alterations since 2011 (2016) (LP) and DM Policies 30 and 36 of the Lewisham Local Development Framework Development Management Local Plan 2014 (DMLP) and Policies 15 and 16 of the Lewisham Local Development Framework Core Strategy Development Plan Document 2011. These require amongst other things that development should be of the highest architectural quality and have a positive relationship with the existing townscape and contribute to local distinctiveness and protect or enhance the historic environment being compatible with the special characteristics of an area, its buildings, form and scale.

Other matters

18. The appellant states that the bin store would be located in a well-designed and accessible location. Having viewed the plans, I concur with the Council that this is likely to be accessed from the front elevation. DM Policy 36 of the DMLP requires that bin stores be located at the side or rear of properties where a front access to the side and rear exists. However, in this instance it does not appear that there is front access to the side and rear of the site. On balance therefore I do not find the location of the bin store to be materially harmful given its screening by timber doors.

19. In support of the development proposed my attention is drawn to planning permission references DC/07/65979 and DC/07/65975 which are for the demolition of the existing buildings on the site and their replacement by a three storey building very similar to that the subject of the current appeal. The applications were granted consent by the Council in 2007. The similarity of the proposals which were considered to be acceptable at that time means that the consents are capable of being a material consideration.
20. In determining applications, the Framework requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets. I recognise, in this regard that the requirement to preserve or enhance the character or appearance of CAs contained within the Planning (Listed Buildings and Conservation Areas) Act 1990 has not changed since the previous permission. This is reflected in the similar wording of the Council's DM Policy 36 regarding heritage assets, in respect of CAs, to that contained within relevant Policy in the previous development plan.
21. Nevertheless, those earlier decisions were made prior to the adoption of the Council's current development plan and the publication of the Framework. The Government attaches great importance to the design of the built environment. In particular, Section 7 of the Framework requires that developments add to the overall quality of the area, referring to the need to respond to local character and history, and to reflect the identity of local surroundings. It also confirms that it is proper to seek to promote or reinforce local distinctiveness and to address the integration of new development into the built environment. This is reflected in the Council's DM Policy 30 of the DMLP regarding urban design and character and Policy 15 of the CS regarding high quality design for Lewisham.
22. As a consequence therefore while in 2007 a subjective assessment of the proposals by the Council, together with consultation with local residents, at that time resulted in permission being granted, some 10 years later in the context of a different policy background where the importance of design has been elevated, a different decision has been made. My findings have supported that decision. Accordingly, therefore I give limited weight to the previous consents. Those previous permissions, which have expired without implementation, are not, therefore a consideration of sufficient weight to outweigh the harm that I have identified.

Conclusion

23. To conclude, I have found that the development proposed would not preserve or enhance the character or appearance of the Blackheath CA. That brings the development into conflict with the development plan. I have had regard to a previous similar scheme which received consent in 2007. However for the reasons above it has limited weight as a material consideration and, in the overall planning balance, is not sufficient to outweigh the harm I have identified. Thus, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR