

Appeal Decision

Site visit made on 24 July 2017

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 09 August 2017

Appeal Ref: APP/E5330/D/17/3175521

67B Shooters Hill Road, Blackheath, London SE3 7HS

- 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 Miss M Taher against the decision of the Royal Borough of Greenwich Council.
 - The application Ref 16/4157/F, dated 2 December 2016, was refused by notice dated 15 February 2017.
 - The development proposed is to remove the existing fence and build a wall in its place in order to provide privacy from the Road which is very busy as it is located on a red route and also the house sits on the pedestrian crossing which means that individuals hang about (up to 4 minutes) for the light to change and peer into the house along with the passengers on the buses which are also held at the traffic lights and look directly into the bedroom on the first floor.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

3. This is an appeal against a decision relating to development that has already taken place. I have been provided with a site plan but no detailed plans showing the position of the wall or what existed previously. I have been provided with a number of photographs showing the wall as built. I have one further undated photograph from previous sales particulars, which shows what I understand to be the previous fence. The Council make reference to the existing gate and posts but the appellant advises that these do not form part of the application.
 4. The brick wall curves into the site where it terminates at the steel gate post. To the other side of the gate there is a brick wall adjacent to the other steel gate post and a lower wall that extends forward to the edge of the pavement. An annotation on the image from the sales particulars showing the previous fence suggests that it was of the same height as the adjoining fence of 67A Shooters Hill Road which has now been removed. I understand that it was 60 inches/152.4cm high. The new wall is shown as 78 inches/198cm high. The
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Conservation Area Appraisal provides an illustration of the property, fence and former gates at image 67a-b.

5. It is not for me to determine whether the gates and the gate posts are lawful. I am also not in a position to alter the description of development or to include elements that have not been applied for. The description refers to a fence in the singular and its replacement. The photographs and their annotations concentrate on the wall to the left of the gate. I have therefore taken the application to relate only to the wall between the gate and the boundary with 67A Shooters Hill Road. I have not considered the other walls or the gates/posts.
6. The property lies within the Blackheath Conservation Area. Shooters Hill is a prominent historic thoroughfare within the conservation area. Properties on each side are set back from the road and their front gardens contain significant amounts of planting including mature trees. The front boundaries to the west of the site are generally characterised by relatively low walls with square brick or rendered gate posts of various heights. Higher posts also exist and in a number of cases, they have railings or hedges between them. To the east, these characteristics remain although a number of fences have been erected above the walls. Some fences also exist rather than walls and there are also a small number of higher walls, although these do not appear to be as high as the wall now being considered.
7. It would appear that the boundary prior to the existing wall was a timber boarded fence that matched that of the neighbouring property in terms of height and alignment. Although there are some other timber fences facing the main road, the former boundary would not have been characteristic of this particular part of the conservation area. It did however follow the form of existing boundaries, being constructed adjacent to the pavement. It would have had only a limited impact on the wider character and appearance of the area given its short length, its simple form and its limited height.
8. The current curved wall, with its greater height, is at odds with the prevailing character of the area and I find that it detracts from the appearance of the property. It fails to preserve or enhance the character or appearance of the conservation area and it results in harm to it. Given that the house is partly faced in brick and many other properties have brick boundaries, I agree that the materials are more in keeping than the fence that has been replaced. However, its height and form represent poor design in this context.
9. The development is contrary to the design and heritage requirements of Policies 7.4, 7.6 and 7.8 of the London Plan 2016; and Policies DH1, DH3 and DH(h) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014. As the policies generally accord with the aspirations of the *National Planning Policy Framework*, I afford them considerable weight.
10. The high wall offers benefits to the appellant in that it provides improved privacy in relation to pedestrians and road users, particularly those waiting at the controlled crossing. I am not satisfied however that the works result in any public benefits.
11. The *Framework* is clear that any harm to a heritage asset, such as a conservation area, should be weighed against the public benefits of the

proposal. I find the harm to the conservation area to be less than substantial, as described in paragraph 134 of the *Framework*, but I am not satisfied that there are any public benefits sufficient to outweigh this harm. The works therefore conflict with the heritage requirements of the *Framework*.

12. I have considered the matters put forward by the appellant but I do not consider that they are sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR