
Appeal Decision

Site visit made on 18 July 2017

by Oliver Blower MA (T&CP)

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 11 September 2017

Appeal Ref: APP/A5840/D/17/3176329

3 Green Walk, London SE1 4TU

- 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 Ms Rose Campbell against the decision of the Council of the London Borough of Southwark.
 - The application Ref 17/AP/0002, dated 30 December 2016, was refused by notice dated 1 March 2017.
 - The development proposed is described as "removal of the existing 'butterfly' slate roof; on the rear two thirds of the house the construction of a slate clad dormer roof extension; and on the front third of the house creation of a new private terrace at second floor behind the existing parapet wall".
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Rose Campbell against the London Borough of Southwark. This application is the subject of a separate Decision.

Preliminary matters

3. The grounds of appeal state that the application was erroneously made in the name of the agent, Mr Brian Q Love. It is clear from the written evidence that the appellant is in fact Ms Rose Campbell and I have reflected this in the header above.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the terrace and whether it would preserve or enhance the character or appearance of the Bermondsey Street Conservation Area.

Reasons

5. There is a statutory duty¹ to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area and I must consider the effect of the proposed development from that perspective.

¹ This requirement is set down in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is always a material consideration when dealing with appeals in conservation areas.

6. Furthermore, the National Planning Policy Framework ('the Framework') defines a conservation area as a 'heritage asset', and seeks to ensure that heritage assets are conserved in a manner appropriate to their significance². I must therefore assess the significance of the conservation area in those terms, and come to a view on whether the development would cause 'substantial' or 'less than substantial' harm.
7. The development plan consists of the London Plan 2016 (LP), Southwark Council Core Strategy 2011 (CS) and the Southwark Plan 2007 (SP).
8. LP policies 7.4, 7.6 and 7.8 seek to ensure, amongst other things, that development provide high quality design that has regard to the pattern and grain of the existing spaces and streets; comprise details and materials that complement the local architectural character; and that development affecting heritage assets should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.
9. CS policy 12 seeks to ensure development preserves or enhance Southwark's historic environment, including conservation areas.
10. SP saved policies 3.12 and 3.15 seek to ensure that developments achieve a high quality of both architectural and urban design; and that development should preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance.
11. Further guidance is given in the Technical Update to the Residential Design Standards 2015 (RDS) which advises that roof extensions will not be permitted where there is an unbroken run of butterfly roofs.
12. The Bermondsey Street Conservation Area (CA) has a traditional and historic character, reinforced by a prevalence of London stock terraced buildings with parapet roofs. Although there are examples of mansard roofs and other roof structures in the immediate area, Nos 1 to 5 Green Walk form a distinctive group of small 19th century two-storey terraced houses with an unbroken run of butterfly roofs behind a continuous front parapet wall. The pleasing uniformity of the roofline, when viewed from both the front and rear, strengthens the cohesive and traditional appearance of this group of houses. The terrace group in turn makes a positive contribution to the significance of the heritage asset by contributing to its traditional and historic character and appearance.
13. The proposal seeks, in part, the removal of the existing butterfly roof and the construction of a slate clad dormer roof extension. Although it would be set back from the front parapet wall so that it would not be readily visible from the street, it would be visible in private views from a number of neighbouring dwellings and gardens to the rear.
14. The introduction of the dormer extension, due to its height and bulk, would interrupt the uniform run of butterfly roofs and notably diminish the cohesive appearance of the terrace. Although a small 'v' shaped section of roof would be kept this would not adequately mitigate the harm caused by the intrusion

² The Framework makes it clear that decision-makers should identify and assess the significance of any heritage asset and the impact of a proposal on the significance of the asset. When considering the impact of a development on significance, great weight should be given to the asset's conservation.

and bulk of the extension, which would look incongruous in relation to the largely unaltered butterfly roofs of the remaining terrace.

15. As a result, I find that the development would cause unacceptable harm to the character and appearance of the terrace group and, thus, would not preserve or enhance the character or appearance of the CA. This finding of harm must carry considerable importance and weight. I am satisfied that the harm caused by the development to the heritage asset is less than substantial, because the development concerned is small scale, but nevertheless permission should only be granted if public benefits would outweigh the harm as detailed in the Framework.
16. The development would benefit the appellant through the provision of additional space. This, however, cannot amount to a public benefit of the scheme, or outweigh the harm caused by the development to the character and appearance of the CA.
17. The appellant argues that the harm to the terrace would not be substantial and the scheme would not cause harm to the existing townscape or the established building line or roof line when viewed from the street. Nonetheless the proposal would cause appreciable harm to the cohesiveness of the terrace group, and it is still in the public interest to preserve or enhance the character or appearance of the CA in private views.
18. I note reference has been made to a number of similar proposals which have been granted planning permission. However in the case of 109a Bellenden Road and 32 De Laune Street there were pre-existing roof top structures, either on the host building or within the terrace, thus the sites did not form part of a distinctive group of unbroken butterfly roofs. I note planning permission was also granted at 4 Sharsted Street and 8 De Laune Street, however these sites are not located in a CA. Planning permission was also granted in 1999 and 2005 for mansard roofs at 4 Hayles Street and 145 Evelina Road respectively; however both these decisions predate the LP (2016), CS (2011), SP (2007), RDS (2015) and the Framework (2012). These examples are therefore not directly comparable to the circumstances of this appeal and, in any event, every case must be determined on its own merits.
19. For the reasons given above and having had regard to all other matters raised, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the terrace and thus would not preserve or enhance the character or appearance of the CA. The proposal is therefore contrary to LP policies 7.4, 7.6 and 7.8, CS policy 12, SP saved policies 3.12 and 3.15, and advice contained in the RDS. Accordingly the appeal is dismissed.

O. Blower

Appointed Person