



Appeal Decision

Site visit made on 24 November 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 07 December 2017

Appeal Ref: APP/C5690/W/17/3181150

47a Montpelier Vale, Blackheath, London SE3 0TJ

- 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 Peter Bennett against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/099314, dated 22 November 2016, was refused by notice dated 8 February 2017.
 - The development proposed is the Demolition of the existing fence. Demolition of the floor box to neighbour's basement. Removal of GF grate over Neighbours Basement. Installation of new fence with integrated gate. New floor box to neighbour's basement. New obstructive paving over neighbour's external basement void.
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Decision

1. The appeal is allowed and planning permission is granted for installation of a new gate and fence, together with alterations to the existing terrace at 47a Montpelier Vale, Blackheath, London SE3 0TJ in accordance with the terms of the application, Ref DC/16/099314, dated 22 November 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1412-116 Rev A, 1412-110 Rev H, 1412-118.
 - 3) No development shall commence on site until drawings showing hard and soft landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority. All landscaping works which form part of the approved scheme shall be completed prior to the bringing into use of the development.
 - 4) No development shall commence on site until a detailed schedule and specification/samples of all external materials and finishes to be used as part of the proposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Preliminary Matters

2. I have used the Council's description of the proposal in my formal decision above, as I consider it to be more precise than that used on the application form.

Main Issue

3. The main issue in this case is whether the proposal would preserve or enhance the character or appearance of the Blackheath Conservation Area.

Reasons

4. The appeal site lies within the Blackheath Conservation Area. The Conservation Area (CA) is a large one, and the character and appearance of the area is distinguished by the wide open spaces of the Heath which cover much of the northern part of the CA. The architectural quality of many of the buildings within the CA, the arrangement of these buildings and the streets they form, and their relationship and interactions with the Heath all form key parts of the Area's character and appearance.
5. The proposal seeks to install railings across an alleyway between the rear of No 49 Montpelier Vale and the eastern end of the beginning of a terrace on Royal Parade. As well as the railings, with integral gate for access, the proposal also seeks consent for various hard landscaping works within the alley. Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
6. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset.
7. Policies 15 and 16 of the Core Strategy¹ state that for all development the Council will secure the highest quality design, which ensures the protection or enhancement of the historic environment, is accessible to all, optimises the potential of sites, is sensitive to local context and responds to local character, and ensures that any development conserves and enhances the Borough's heritage assets and that design acts to reduce crime and the fear of crime. Policies DM30, DM31 and DM36 of the Local Plan² together state that all development should attain a high standard of design, consider the impact of proposals on heritage assets, and within conservation areas consider the special characteristics of the area, its buildings, spaces, form and materials.
8. Montpelier Vale and Royal Parade occupy key locations within the CA, forming two sides of a rough quadrilateral shape section of urban townscape which gives the appearance of jutting into the southern side of the Heath, with both roads bordering the open green spaces. A range of smaller mews and interconnecting streets snake their way through the middle of this section, with Brigade Street and Royal Parade Mews being the most significant. The Council consider that this network of mews and tight streets have an authenticity,

¹ Lewisham local development framework Core Strategy development plan document

² Lewisham local development framework Development Management Local Plan, November 2014.

simplicity, and intimate human scale which is particularly pleasing and sensitive to change, being richly textured and finely grained.

9. I would agree with this assessment. However, I am not convinced that the alleyway that the application refers to is of the same merit as the other streets within the area. Brigade Street is a reasonably wide sinuous cobbled street which heads from the north west corner of the square area to the south east side. This street, particularly towards its southern end, has an attractive air and a pleasing scale. Royal Parade Mews is also fairly wide and has a human scale, with its character slightly adversely affected by high levels of car parking. However, the alleyway adjacent to No 49 Montpelier Vale is far narrower and is dominated by the high elevations of the back of the properties on the Vale. While this may not be necessarily be an issue in itself, the alley is also affected at its upper end close to the street entrance by the storage of multiple bins and at its lower end by the presence of several large industrial scale extraction vents and air conditioning units. Furthermore, there appears to be no linkage now between the alley and Royal Parade Mews.
10. The alley does not therefore function as part of a network, and does not appear to have done so for some time. While the way provides access to various properties, evidence is submitted concerning anti-social activities which have occurred within the alley, including fly tipping and graffiti. At present the alley has a section of trestle type fencing which covers roughly half the width of the opening. The proposal seeks to remove this fencing and erect a 2m high stretch of black painted wrought iron railing. This would have a gate within it, large enough to allow access through from large commercial bins. Evidence submitted states that the gate would be open to trade deliveries during the day and opened via a code at night times.
11. The material of the railing would be in keeping with the character of the CA and would match other areas of railing visible within the area, particularly along Tranquil Vale to the west. The height of the railings would be proportionate to the height of the neighbouring buildings and would remain entirely subordinate, with the open nature of the railings allowing visibility through into the alley behind. The proposal also seeks to construct hard landscaping to dissuade bin storage at the top end of the entrance, and proposes the planting of a single specimen tree. Both measures, subject to condition, would improve the look of the alley, particularly when walking along the pavement from the west.
12. The Council raise issues over the privatisation of public land. However, it appears that the alley does not provide connections now that it may have done historically. While I consider that the erection of the railings may have some issues in this regard to the character of the CA, the benefits of the scheme, both in terms of the proposed internal hard landscaping, and in terms of keeping the area clear from anti-social behaviour would outweigh such harm so that in totality the scheme would preserve both the character and the appearance of the CA.
13. I therefore conclude that the proposal would preserve the character and appearance of the Blackheath Conservation Area. The scheme would comply with policies 15 and 16 of the Core Strategy, policies DM30, DM31, and DM36 of the Local Plan, as well as with the Framework.

Conditions

14. I have imposed standard conditions relating to time for implementation and approved plans, in the interests of providing certainty. I have also imposed a condition requiring full details of the proposed landscaping within the alleyway, as suggested by the Council. This is required as the precise design of the proposed pebble obstructive paving is not detailed. I have also amended the wording of the condition slightly to ensure that soft landscaping is considered, as the tree details are not provided on the plans. This condition is required in the interests of the desirability of enhancing the appearance of the CA. For the same reasons, I have imposed the suggested condition concerning details of external materials of the scheme.
15. The Council suggest a condition concerning details of refuse and recycling facilities; however, I do not consider that this would be necessary as the scheme does not propose new residential/commercial units. The alleyway contains sufficient width and length to accommodate the existing bins within it.

Conclusion

16. To summarise, I have concluded that the proposal would preserve the character and appearance of the Blackheath Conservation Area. For the reasons given above therefore, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jon Hockley

INSPECTOR