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## Appeal Decision

Site visit made on 25 June 2019

**by David Storrie DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 July 2019**

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**Appeal Ref: APP/E5330/D/19/3227516**

**97 Lee Road, London, SE3 9DZ**

- 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 Guy Trust against the decision of the Royal Borough of Greenwich Council.
  - The application Ref 18/4519/HD, dated 21 December 2018, was refused by notice dated 3 April 2019.
  - The development proposed is the removal of existing car port and construction of a replacement shade sail car port in new location.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the locally listed building and the wider Blackheath Park Conservation area.

### Reasons

3. The appeal site is a two-storey semi-detached residential property built around 1830 and is locally listed and situated within the Blackheath Park Conservation Area (CA). The proposed car port would be sited to the front of the existing property adjacent to the front boundary that consists of a small wall and railings with tree and hedge planting behind restricting clear views into this part of the site.
4. At the time of my site visit, some building works were in progress and the *existing* car port to the side boundary of the property appeared to have been removed although I have been provided with pictures of what it looked like. The proposed car port would be smaller than the existing and more lightweight in its appearance. Furthermore, views of it from the street would be somewhat limited to glimpses due to the existing screening that is evident on the site frontage.
5. I note that the Council Conservation Officer considered that the addition of a sail car port would be considered unobtrusive and reversible and therefore acceptable in conservation terms. I have some sympathy with this view but also note that, in commenting on an earlier application that was refused, and included a shade sail car port, the Conservation Officer was concerned about

introducing an outbuilding forward of the main dwelling. It was pointed out that many of the sites along Lee Road, in the CA, did not have outbuildings forward of the main dwelling and concluded that this would not be entirely appropriate. I consider that any structure in front of the existing building would be inappropriate and would fail to preserve or enhance the character and appearance of the CA.

6. I have given some consideration to whether the harm I have identified could be mitigated by way of planning conditions requiring the existing screen planting to be maintained and the sail to be taken down when the impact from tree sap and debris has diminished but this would not overcome my main concern regarding the appropriateness of such a structure in front of the main building.
7. The appellant has brought my attention to a garage to the front of no. 107 Lee Road and points out that this has been built using a wooden construction inconsistent with that of the main building and a metal door. I saw this garage during my site visit. It is not comparable to the appeal proposal as it is set back adjacent to the main building. I would agree that it does not appear sympathetic to the host building or the CA. However, its approval does not set a precedent. Each case must be considered on its own individual merits as I have done in this case.
8. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposal would have a negative effect on the significance of a designated heritage asset and would result in "less than substantial" harm in the words of the National Planning Policy Framework. No public benefits have been put forward to weigh against this harm.
9. Overall the proposal would fail to preserve the character and appearance of the CA. It would also be contrary to the National Planning Policy Framework (February 2019), Policies 7.4, 7.6 and 7.8 of the London Plan (2016), Policies DH1, DH3, DH(h) and DH(j) of the Core Strategy (2014) that, amongst other things, seeks development in conservation areas to be sympathetic to their settings, to conserve or enhance the character or appearance of the CA and set a high quality of design.
10. Taking all the above into account, on balance, I conclude that the appeal should be dismissed.

*David Storrie*

INSPECTOR