

Appeal Decision

Site visit made on 11 June 2019

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal Ref: APP/C5690/W/19/3225320

34 St Margaret's Passage, London, SE13 5BS

- 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 Joseph Selby against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/18/105484, dated 22 January 2018, was refused by notice dated 14 November 2018.
 - The development proposed is the demolition of the existing dwelling on site and the construction of 2 semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appeal site is located within the Blackheath Conservation Area (CA).
3. The appellant has detailed the planning history including the period of pre-application consultation with the public and Council officers as to the acceptability of the principle of redevelopment and the design of the replacement building. Following revisions, a scheme was eventually produced eliciting a favourable recommendation from officers. That recommendation, however, was not accepted by members of the Council's Planning Committee, hence this appeal.

Main issues

4. The main issues are: (a) whether the proposal would serve to preserve or enhance the character or appearance of the CA, and (b) the effect of the proposed development on the living conditions of neighbouring residents with particular reference to daylight, sunlight and visual impact.

Reasons

5. The appeal property is a detached dwelling standing at the end of Eton Grove, and on the other side alongside St Margaret's Passage, a pedestrian-only passage linking Church Terrace with Belmont Park. The dwelling was built in the 1940's on part of the garden of 32 St Margaret's Passage. Its design and appearance are at odds with that of surrounding development, which is distinctly Victorian in appearance. The CA Appraisal identifies the terraces at the western end of East Grove on either side of the road as making a positive contribution to local character, and Nos. 1 & 2 are designated as locally listed

buildings. Immediately to the west of the site, in Church Terrace, stands a pair of attractive Victorian Villas, which are listed as being of architectural or historic importance (Grade II).

6. Prior to the construction of the appeal property, the westward vista available from and along Eton Grove would be towards the attractive listed villas in Church Terrace. The appeal property has, in part, curtailed the original vista, but its scale and position is such that it does not overwhelm or dominate the view westwards. A pleasant degree of openness remains available and the roof and chimneys of the Church Terrace are plainly seen from much of Eton Grove.
7. For the reasons provided and explained, the appellant proposes a higher and bulkier building than exists at present, one with an increased footprint, significantly narrowing what remains of the gap between Nos 7 & 8 Eton Grove at the end of the cul-de-sac. The vista westwards would thus be further and harmfully constrained, overwhelmed by the bulky presence of the proposed new building. Whilst the appellant's references to plot ratios are noted, viewed from Eton Grove, the site would, in my view, appear unacceptably over-developed.
8. The proposed building's increased bulk and height, in comparison with the existing building, would also be readily apparent to walkers using St Margaret's Passage. From here, principally because of its closeness to the footpath, the proposal, in my view, would be perceived as far too dominant in its context.
9. I acknowledge the collaborative nature of the design heavily influenced, it seems, by the outcome of negotiations with Council officers. Unfortunately, I do not consider that the design approach adopted has succeeded. In my view the overall design appears rather bland and lacking in panache, and is one that would contribute negatively to the local scene. The site, if redevelopment is to be proposed, to my mind calls for a more imaginative and higher quality design.
10. Accordingly, whilst the existing building makes no positive contribution to the character or appearance of this part of the CA, this does not justify its replacement with an ill-fitting, over-dominant and what, in my view, is a scheme of mediocre design. I note that the Council does not challenge the principle of development, and says that it has no reason to believe that a more appropriate form of development could not be achieved. This would imply that a more modest and better-designed scheme could find favour with the Council. Although that is a matter for the Council, I would not disagree with the sentiment expressed.
11. I therefore conclude that the proposed development would harm the local scene so that character and appearance of the CA would be neither preserved nor enhanced. Accordingly, a material conflict arises with those provisions of policies 7.4, 7.6 and 7.8 of the London Plan, policies 15 & 16 of the Lewisham Local Development Framework Core Strategy and DM policies 30 & 36 of the Lewisham Local Development Framework Development Management Local Plan directed to ensuring good design and to protect local character especially within the Borough's heritage assets.

12. I consider the harm I have identified to the CA to be less than substantial. Having regard to the Framework's¹ guidance, the development would bring a degree of public benefit firstly, in the form of an additional dwelling; previously developed land would be re-used on a small site, and, as the appellant rightly says, such sites are expected to contribute significantly towards the Capital's future housing stock. The appellant also considers benefits would arise from the demolition of the existing building; improved lighting and new boundary wall in St Margaret's Passage; an improved pavement at the end of Eton Grove and a reduction in car movement. I find, however, that the deficiencies of the scheme, and the subsequent harm caused to the CA, clearly outweigh the actual and perceived benefits of the proposal.

Living conditions

13. The original application was accompanied by a technical report² evaluating the effect of the proposed development on the closest residential properties in Church Terrace, Eton Grove and St Margaret's Passage in terms of daylight, sunlight and overshadowing. The Council has not produced any technical evidence in support of its second reason for refusal. Indeed, it says that:

The application was supported by a daylight/sunlight report which assessed current and resulting situation. The report and evidence within it states that the application meets the BRE guidelines on light levels, specifically that the proposal would not result in unacceptable loss of daylight and sunlight, and so will not have an adverse impact on residential amenity.

14. The Council now accepts this assessment but nevertheless, retains its qualitative objection that the development would appear overbearing to those residents closest to it in Eton Grove.
15. I find the appellant's technical report to be thorough and comprehensive and I, as the Council, have no reason to disagree with its principal conclusions. However, in the light of the increased bulk, height, footprint and position of the proposed building in comparison with the existing, I consider that the Council's remaining objection has considerable merit.
16. During my site visit, I stood at the end of Eton Grove, and came to the judgment, notwithstanding the urban location, that the proposed building would be justifiably perceived by the residents closest to it as harmfully over-dominant and oppressive when viewed both from within and immediately outside their properties.
17. I therefore conclude that the proposed development would harm the living conditions of those closest residents in Eton Grove by reason of adverse visual impact. Accordingly, a conflict arises with those provisions of policy 7.6 of the London Plan directed to ensuring that buildings should not cause harm to the amenity of surrounding land and buildings, particularly those in residential use. The proposal would also be at odds with the Framework's guidance that developments should create places with a high standard of amenity for existing and future users.

¹ National Planning Policy Framework – paragraph 196

² Daylight and Sunlight Study - Right of Light Consulting, December 2017

Other matters

18. All other matters raised in the representations have been considered including the views of local residents and the Blackheath Society. I have already dealt with what I consider to be the most relevant planning-related points raised.
19. I have also considered all the supporting documentation submitted by the appellant both for the original application and appeal, including the Design and Access statement and the Heritage Assessment (HA), which, amongst other matters, assesses the significance of this part of the CA. I share the view expressed within the HA that the setting of the listed villas in Church Terrace would not be compromised. I have paid particular regard to the content of the Framework's Chapter 12³, given the appellant's emphasis on its content.
20. I am asked to give great weight to what is described as the appellant's considered and consultative approach and to the LPA officers considered balancing exercise in their report. I have taken full account of these matters, but neither they, nor any other matter raised in the representations are of such strength or significance as to outweigh the considerations that led me to my conclusions.
21. Accordingly, for the reasons set out above, the appeal is dismissed.

G Powys Jones

INSPECTOR

³ Achieving Well-Designed Places