



Appeal Decision

Site visit made on 11 February 2019

by N Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2019

Appeal Ref: APP/C5690/W/18/3216176

Upper Flat, 44 Gellatly Road, London, SE14 5TT

- 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 Mrs Jenna Kelly against the decision of London Borough of Lewisham.
 - The application Ref DC/18/108182, dated 20 July 2018, was refused by notice dated 17 September 2018.
 - The development proposed is loft conversion to a mid-terraced house with two conservation type roof windows to front roof slope and one window dormer and one conservation type roof window to rear roof slope.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the dwelling and whether it would preserve or enhance the character or appearance of the Telegraph Hill Conservation Area

Reasons

3. Gellatly Road is located within, albeit at the edge of, the Telegraph Hill Conservation Area. Its Character Appraisal describes the uniformity of architecture as being important and it was evident to me on my visit that the front of the houses along the road, but for some limited exceptions, were of a consistent style and design. This consistency of street scene forms part of the character and appearance of the Conservation Area.
4. The appeal proposal includes the introduction of two roof lights in the front facing roof slope of the building. Whilst I noted a small number of similar additions in the roads around the site, the overriding character in the area is of clear front roof slopes. This contributes to an overall impression, when viewed from Gellatly Road, of a series of largely undisturbed terraces of a consistent and attractive quality and design.
5. The introduction of the front facing roof lights, that would be quite prominent and visible from the road, interrupt that consistency and undermine an important feature of the character and appearance of this part of the Conservation Area.

6. Whilst I note that they would be of a 'conservation' style, this would not overcome my concerns regarding their introduction to the roof slope of the terrace. The appellant has cited a number of other examples of front roof lights in the area around the site, but they do not impact upon my assessment of this building and its immediate context. I do not consider that the limited examples of similar forms of development have changed the character of this area away from that which I have described.
7. The rear dormer roof extension would be of a fairly modest scale and would be visually subservient in the roof slope. It would only be visible from discreet points within the public realm and those public views would be from outside of the Conservation Area and at a fair distance.
8. I do not think that the impressive uniformity found along the front elevations of properties on Gellatly Road could be experienced in the same way when viewing the rear of this building and its neighbours because of the distance and limited public viewpoints. I satisfied that a view of the proposed roof extension would not undermine the viewer's experience of the Conservation Area. For those reasons, I find that the dormer would preserve the character and appearance of the Conservation Area.
9. I note that the Council advises that roof extensions along this road have not been approved in the past, although that does not necessarily rule out an acceptable proposal. I also note that an Article 4 Direction is in place and whilst that demonstrates the commitment of the Council to maintaining control over new development in this area, this also does not preclude suitable proposals.
10. The appellant has described where planning permission has been granted for rear roof extensions elsewhere in the Conservation Area and the Residential Standard SPD describes how rear dormers should be designed in such locations, suggesting to me that they are not considered entirely unacceptable in principle.
11. The proposed dormer appears to comply with that guidance and its scale and design would not cause harm to the character and appearance of the building. The Council has raised concern as to the size of the openings and the alignment with windows lower down the building, although I do not consider that precise uniformity in either is necessary in this case to maintain an acceptable appearance at the rear of the building.
12. The statutory duty in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character of a heritage asset, in this case the Telegraph Hill CA, is a matter of considerable importance and weight. Whilst the proposed dormer would be not cause harm, the front roof lights would have an adverse 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 (the Framework).
13. Where less than substantial harm occurs, paragraph 196 of the Framework indicates that this should be weighed against the public benefits of the development. The PPG¹ defines public benefit as "*of a nature or scale to be of benefit to the public at large and should not just be a private benefit*". The

¹ Planning Practice Guidance

appellant has described that the development would allow them to occupy the roof level of their home, which would be particularly important because they do not have access to a garden but that must be regarded as a private benefit. In this case no public benefit has been identified to outweigh the less than substantial harm which would be caused to the heritage asset.

14. Accordingly, I find that the proposal would be in conflict with Core Strategy Policy 16 of the Core Strategy Development Plan Document 2011 and DM Policy 36 of the Development Management Local Plan 2014, which seek to ensure that development preserves or enhances heritage assets.

Conclusions

15. For the reasons given, I conclude that the appeal should be dismissed.

N Smith

INSPECTOR