The Planning Inspectorate

Appeal Decision

Site visit made on 10 July 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2019

Appeal Ref: APP/C5690/W/19/3228530
Denham Court, Kirkdale, London SE26 4BE

- 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 JS and B Englander against the decision of the Council of the London Borough of Lewisham.
- The application Ref DC/18/109844, dated 25 October 2018, was refused by notice dated 13 March 2019.
- The development is described in the application as 'construction of three additional flats on fourth floor level'.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the host building as a non-designated heritage asset, the character or appearance of the Halifax Street Conservation Area (HSCA) and the setting of the listed buildings at 124 – 128 Kirkdale and 134 – 146 Kirkdale.

Reasons

Host building

3. The appeal site is located on Kirkdale, a busy high street characterised by a mix of commercial, retail and residential uses. Buildings along the street vary in age and architectural style with flat roofs being a common feature. Whilst there are a variety of building heights, properties along this part of Kirkdale are predominately two or three storeys high.

4. Denham Court is a substantial, four storey residential building set back from the street with distinctive Art Deco entrance features on the front elevation. The building is highly prominent in the street and is recognised by the Council as a non-designated heritage asset because of its architectural interest. The building has a flat roof and is formed of three distinct sections which are slightly stepped, following the topography of the street. Many of the windows have been replaced, but some originals remain. The front of the building is red brick, whilst the side and rear are white rendered.

5. The building houses 24 flats and the proposed development would provide three additional units by extending the building at roof height, following the footprint of the building. Despite being set back slightly, the roof extension

would be a large and prominent addition which would, in my view, appear out of character with the host building and thus harm this non-designated heritage asset. The use of lead line panels to clad the proposed extension would appear incongruous and would fail to respect the architectural features of the building. I note the appellant's comment that the proposed materials would contrast with the main building. However, in my view the contemporary materials would not relate well to the host building and by contrasting with it, would add to the prominence of the proposed extension and the resultant harm caused.

6. The alignment of the proposed windows would not reflect the position of those on the main building. As such, they would appear awkward and while the negative effect would be reduced, to some extent, by the set back from the front elevation, I consider that the proposed windows would add to the harm that I have already identified.

Surrounding area

7. Denham Court is a large building which is already higher than most others in the vicinity. The additional height and bulk resulting from the proposed roof extension would result in the building becoming overly dominant and overbearing, causing harm to the character of the area.

8. The appeal site is bounded on two sides by HSCA, which is characterised by attractive two storey semi-detached and terraced houses set behind small front gardens. It has an intimate and quiet feel, in contrast with the busier Kirkdale. Due to the close proximity of the houses in this narrow street, views of Denham Court are blocked or fleeting from many parts of the HSCA. However, the back of the building is clearly visible from the access road to 18 to 29 Halifax Street, where it can be seen above a row of low garages which form part of the curtilage of the building.

9. The appellant suggests that the building detracts from the HSCA when viewed from this position, and that the proposed development could add interest. In my view the white rendered building with its large number of windows has a neutral impact. The addition of a roof top extension would increase the scale and bulk of the building, which is already significant when compared with the houses in the HSCA. The modern, grey appearance of the proposed extension would appear out of keeping, and its scale and materials would result in harm to the setting of the HSCA.

10. Denham Court already appears significantly higher than the adjoining two storey terrace, which includes the Grade II listed Nos 124 – 128. The setting of these buildings is currently dominated by an unsympathetic shop front and the blank flank elevation of the host building. Increasing the height of Denham Court further would cause additional harm to the setting of Nos 124 – 128.

11. Further down the street is a second group of listed buildings, No 134 – 146 Kirkdale. This attractive three and four storey terrace with a dramatic roofline is sufficiently far away from the host building that, whilst there is a visual relationship between the buildings, the impact of the proposed development on the setting of the listed buildings would be neutral.

12. With regard to paragraph 196 of the National Planning Policy Framework (the Framework) the harm to the listed buildings and the HSCA would be less than substantial. Even so this still amounts to a harmful impact which adversely

affects the significance of them as designated heritage assets. The Framework requires that such harm should be weighed against the public benefits of the proposal. In this case, public benefit would arise from the provision of three additional dwellings, the need for which is given high priority in the London Plan. I do not dispute this need and am satisfied that an acceptable standard of accommodation could be provided for future occupiers without causing harm to the living conditions of neighbouring residents. If the proposal was otherwise acceptable, conditions could be imposed to ensure appropriate cycle parking and highway access arrangements. However, the harm to the listed buildings and the HSCA, to which I attach considerable importance and weight, would, in my view, clearly outweigh these modest public benefits.

Conclusion on main issue

13. I conclude that for the reasons given the proposed development would fail to conserve or enhance the host building as a non-designated heritage asset, the Halifax Street Conservation Area (HSCA) and the setting of the listed buildings at 124 – 128 Kirkdale. The impact on the setting of the listed buildings at 134 – 146 Kirkdale would be neutral.

14. The proposed development would therefore be contrary to policies 15 and 16 of the Lewisham Core Strategy 2011 (concerned with promoting high quality design and conserving and enhancing heritage assets), and policies DM 30, 31, 36 DM 37 of the Lewisham Development Management Local Plan 2014 (regarding urban design, extensions to existing buildings, and development affecting designated and non-designated heritage assets and their settings). Furthermore, the proposal would conflict with Framework paragraphs 196 which explains that any harm should be weighed against the public benefits of the proposal. Conflict would also arise with Framework paragraph 197 which calls for a balanced judgement of any harm against the significance of the heritage asset.

Conclusion

15. For the reasons set out above I conclude that the appeal should be dismissed.

Rosie Morgan

Inspector