



Appeal Decision

Site visit made on 13 August 2019

By Elizabeth Lawrence BTP MRTPI

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

Decision date: 20 August 2019

Appeal Ref: APP/C5690/D/19/3230446
42 Penerley Road, London SE6 2LQ

- 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 Tyler O'Callaghan against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/110637, dated 25 January 2019, was refused by notice dated 24 April 2019.
 - The development proposed is described as rear face loft dormer conversion.
-

Decision

1. The appeal is dismissed insofar as it relates to the proposed circular window on the front elevation of the dwelling. The appeal is allowed insofar as it relates to the rear face loft dormer conversion at 42 Penerley Road, London SE6 2LQ in accordance with the terms of the application, Ref DC/19/110637, dated 25 January 2019 and the plans submitted with it, so far as relevant to that part of the development hereby permitted and 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: Site layout plan, 576-A-100 Issue A, 576-A-101 Issue A, 576-A-110 Issue A (Excluding window serving the wet/shower room), 576-A-111 Issue A (excluding the front elevation).
 - 3) The external materials to be used in the construction of the rear dormer extension hereby permitted shall be in accordance with the details set out in the application form and accompanying Design and Access Details, unless otherwise agreed in writing by the local planning authority.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host building, the pair of dwellings, the street scene and the Culverley Green Conservation Area (CGCA).

Reasons

3. The character of the CGCA is essentially an Edwardian residential suburb, laid out on a grid pattern. A large part of the conservation area comprises uniformly sited and designed semi-detached villas set behind modest sized and enclosed front gardens. In the northern part of the conservation area the villas typically have red brick walls, timber sash windows and doors with stone or stucco dressings. The two storey front bays have hipped roofs and project forward of a projecting front gable features with chimneys to the side of them. The gable areas above these hips are finished with red brick, tile hanging and render. This includes the appeal property, whose gable wall is red brick to match the main front of the dwelling. Further to the south within the CGCA, the villas follow the same design pattern, although many have pebble dashed and tile hung walls and flat roofs above their projecting bays. The gable detailing above these bays comprise a combination of render and mock timber framing.
4. These villas are located along wide tree lined streets arranged in a grid pattern and interspersed with open green spaces. This together with the consistency and uniformity in the siting, design detailing and appearance of the villas make a strong contribution to the character, appearance and significance of the CGCA.
5. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance. Section 16 of the National Planning Policy Framework 2019 (the Framework) states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm requires clear and convincing justification. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Policy DM36 of the Lewisham Development Management Local Plan (Local Plan), Policy 16 of the Lewisham Core Strategy (Core Strategy) and Policy 7.8 of The London Plan reflect these requirements.
6. The appeal dwelling is located within a row of symmetrical and uniformly designed semi-detached dwellings that are characterised by their central two storey bay windows with hipped roofs and strong gable features above them, together with their stucco detailing, symmetrical entrances and limited palette of materials. This consistency is important to their sense of symmetry and uniformity. In addition, the absence of windows within the front gables contributes to their uncluttered appearance and the prominence of the ornate projecting bay windows.
7. Whilst the proposed circular window would be centrally positioned and would sit comfortably within the front gable, it would introduce an uncharacteristic feature that detract from the simple lines of the existing gable and would reduce the prominence and importance of the front bay windows. At the same time, it would detract from the symmetry of the pair of dwellings and the strong sense of rhythm and uniformity of the row of dwellings.

8. For these reasons the proposed circular window would materially detract for the character and appearance of the host dwelling, the pair of dwellings and the street scene. It would fail to preserve and would have a negative impact on the character, appearance and significance of the CGCA. As highlighted in the CGCA appraisal, incremental changes to dwellings, including the loss of original materials and detailing, has and can have a negative impact on the character, appearance and significance of the conservation area. This is because both individually and collectively such changes undermine and detract from the symmetry and particular detailing of the rows of dwellings.
9. Taken in isolation, the level of harm the window would cause to the significance of the CGCA would be modest and thus less than significant. Nonetheless, it needs to be weighed against any public benefits and great weight needs to be given to the conservation of the CGCA.
10. The proposed window would provide natural light for the proposed wet/shower room and so would reduce the need for other means of internal lighting. Also, the construction of the window would result in some local employment. These public benefits are minimal and clearly fail to outweigh the harm that would be caused to the CGCA. This harm would also outweigh the personal benefits for the appellant and their family from having a small window in the proposed wet/shower room.
11. Conversely, the proposed rear dormer extension would be modest in height and would sit within the roof-slope, where it would be screened in most views within the rear garden environment. Where it could be seen its clean contemporary lines, zinc roof and frameless windows would complement and be readily assimilated into the roof-scape. As a consequence, this element of the proposal would preserve the character and appearance of the host dwelling and the CGCA. Subject to the use of the external materials referred to on the application form and in the supporting design and access statement, which can be dealt with by condition, the proposed rear dormer extension would not detract from or otherwise harm the significance of the CGCA.
12. For these reasons I conclude that the proposed rear dormer extension and associated works would preserve the character and appearance of the host dwelling, the pair of dwellings, the street scene and the CGCA and would not detract from the significance of the CGCA. It would therefore comply with Policy DM36 of the Local Plan, Policy 16 of the Core Strategy, Policy 7.8 of The London Plan and paragraphs 193 and 196 of the Framework. Conversely, the proposed circular window would unacceptably harm the character and appearance of the host property, the pair of dwellings and the street scene. It would fail to preserve the character or appearance of the CGCA and would unacceptably detract from its significance. Accordingly, it would conflict with the above policies.

Other matters

13. It is acknowledged that some properties in the local area do have windows above their central bay windows. For some rows of houses, it is part of their original design and so is an integral part of the character and uniformity of the rows concerned. There are also a number of later gable end window additions. However rather than set a precedent for allowing the appeal proposal they

serve to highlight that such additions can materially detract from and undermine the main design features of the host dwellings and upset the uniformity of the row of dwellings in which they are located.

14. Finally, the Council has suggested the imposition of a condition relating to matching materials. As the proposed rear dormer would be constructed from contrasting materials this would be inappropriate. However, a condition is necessary to ensure the rear dormer extension is constructed from the materials stipulated in the application documents. This is to ensure the development respects the character and appearance of the CGCA. The suggested condition relating to adherence to the submitted drawings is necessary in the interests of certainty.

Conclusion

15. In view of my favourable findings on the main element of the proposal I have considered the possibility of granting a split decision. Although the proposed circular window would serve the proposed wet/shower room, it is a very small window and this room could function without the circular window. As such I find that the proposed dormer extension could be dealt with independently from the circular window and so it would be appropriate to issue a split decision.

Elizabeth Lawrence

INSPECTOR