



Appeal Decision

Site visit made on 7 August 2019

by Simon Hand MA

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

Decision date: 20 August 2019

Appeal Ref: APP/C5690/C/18/3216577

3a Harts Lane, London, SE14 5UP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr G Edwards against an enforcement notice issued by the Council of the London Borough of Lewisham.
 - The enforcement notice was issued on 8 November 2018.
 - The breach of planning control as alleged in the notice is without planning permission the construction of a dwellinghouse on the land.
 - The requirements of the notice are 1. demolish the dwelling house on the Land; 2. remove all building materials, debris, waste and equipment resulting from compliance with requirement 1 above from the Land.
 - The period for compliance with the requirements is 9 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a dwellinghouse on the land at 3a Harts Lane, London, SE14 5UP referred to in the notice, subject to the following conditions:
 - 1) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.
 - 2) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes in cast iron, shall be fixed on the front elevation of the building.
 - 3) Unless within 3 months of the date of this decision a scheme with the full details of the cycle parking facilities is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval,

occupation of the dwelling shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 9 months of the date of this decision, the occupation of the dwelling shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

The Appeal on Ground (a)

2. Harts Lane consists of a short terrace of houses on the east side of the Lane. There are no houses on the west side of the Lane which is composed of the back gardens of houses that either front New Cross Road or Nettleton Road. To the south is New Cross Road and to the north is a terrace of houses at right angles to the Lane, in what I think is called Brighton Grove, and behind those a large modern warehouse. The appeal site lies in the Hatcham conservation area.
3. There was a gap at the end of the terrace between No 2 and Brighton Grove which contained an unsightly commercial garage. This has been demolished and a new house built in its place which extends the terrace. In the recent past, another new building was erected, Nos 1a and 1b, which links the terrace in Hart's Lane to New Cross Rd. There are now four houses in the terrace of which Nos 1 and 2 are original.
4. No 3a, the appeal property, was granted planning permission in 2016 and is now complete. However, it has not been built in accordance with the plans. It should have continued the line of the terrace exactly as the other 3 houses do. However, due to the fall in the land, it has been stepped down. Otherwise, the design of the house is virtually the same as Nos 1 and 2. The same door and window arrangements, the same proportions and the same materials. The sole issue is therefore the step down, and the impact of that on the terrace.
5. I find it very hard to understand what the problem with this is. The stepping down, or up, of buildings in an otherwise identical terrace is a commonplace method of dealing with ground level changes, and given the strong similarity of the house to its neighbours in all other respects, it looks entirely at home on the end of the terrace. I noted elsewhere there was a strong sense of linearity in the building line, Billington Rd, Egmont St and Ventnor Rd, which lie to the north, stand out as exemplars. Here, I accept, a lone house set down at the end of the terrace could well look out of place. But in Hart's Lane there are not a lot of houses in the immediate area to compare the appeal property too. The host terrace is very short and does not create a strong sense of linearity on its own. The right-angled terrace in Brighton Grove is longer, consisting of about 10 houses, all with a strong consistency of design, but the first house next to Hart's Lane, and opposite the side of the appeal property is stepped down from the main terrace and the last three houses are each stepped up from their neighbour, presumably to accommodate a change in ground levels. None of

the height difference are quite as obvious as at the appeal property, but nonetheless, they are a good example of how changes in height are entirely typical in the immediate vicinity.

6. One effect of the step down is that the parapet does not follow the line of Nos 1a to 2. The parapet on the top of the houses is marked by white painted stonework with a simple banded cornice in its centre. Because of the step down, the cornice on the new house does not reach right to the end of the parapet but is rounded off a few centimetres from the edge of the wall, at both ends of the property. I agree this does look a little odd, but it is hardly a reason to knock down the house and has little or no impact on the wider conservation area.
7. In my view the house as built fits well into the streetscene and certainly compared with the garage that was on site before, enhances the conservation area. It is, therefore, in accord with the Council's policies in their Core Strategy (15 and 16) and in their Development Management Plan (30, 33 and 36) which seek to protect the character and appearance of conservation areas and to secure good design. I shall allow the appeal on ground (a) and quash the notice.
8. I note a previous appeal (APP/C5690/W/18/3213584) for a house on the same site was refused in January this year. However, that was for a revised design that would leave the house as it was but stretch the upper portion of the front wall so the parapet had the same height as the neighbours. As the Inspector notes, this would look incongruous and harmful. Although the Inspector does comment on the "disjointed appearance" of the as-built house, that building was not before him and he rightly restricts his detailed analysis to the proposed taller version.
9. The Council have suggested a number of conditions. Several are only sensible before the development has been completed, and I shall ignore those. Three remain, one to restrict the use of a flat roof extension, one to prevent rainwater goods being attached to the façade of the building and one concerning the details of the cycle parking facilities. The plans I have do not show the original cycle parking facilities that were approved, so it is best to require details to be submitted to the Council as suggested in their 3(b) option but couched in the usual terms for a retrospective permission. The other two suggestions seems sensible for amenity and design reasons.
10. I shall allow the appeal on ground (a) subject to the three conditions discussed above and quash the notice. There is no need to consider the ground (f).

Simon Hand

Inspector