



Appeal Decision

Site visit made on 29 October 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2019

Appeal Ref: APP/C5690/W/19/3236785

104A Drakefell Road, London SE14 5SQ

- 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 Nicola Margiotta against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/110784, dated 1 February 2019, was refused by notice dated 14 May 2019.
 - The development proposed is described as "1-Refurbishment of existing low garden wall, 2-Creation of new bin enclosure, 3-Replacement of steps to 104A with new, 4-New paving, 5-New steel period entrance gate and railing, 6-Replacement of front and rear windows and external door to 104A Lower ground floor, 7- Erection of a garden shed in rear garden."
-

Decision

1. The appeal is dismissed insofar as it relates to the refurbishment of the existing low garden wall, the creation of a new bin enclosure, replacement of steps, new paving, new steel period entrance gate and railing, replacement of front windows and external door to lower ground floor.
2. The appeal is allowed insofar as it relates to the replacement of the rear windows and doors, and the erection of a garden shed in the rear garden, and planning permission is granted for the replacement of the rear windows and doors, and the erection of a garden shed in the rear garden at 104A Drakefell Road, London SE14 5SQ in accordance with the terms of the application, Ref DC/19/110784, dated 1 February 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 strictly in accordance with the following approved plans so far as they relate to the development hereby permitted: 045001-010 Rev A, 045001-110 Rev B, 045001-111 Rev A, 045001-120 Rev B, 045001-303 Rev A.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Lewisham Telegraph Hill Conservation Area (the CA).

Reasons

4. According to the Lewisham Telegraph Hill Conservation Area Character Appraisal (the Appraisal), Drakefell Road is part of a well preserved, planned development with a uniform and cohesive character, which includes the detailing and materials used. The importance of details, including timber, sliding-sash windows, doors, boundary walls, and narrow stairs to basement accesses to the character and appearance of this CA is given added weight by an Article 4 direction, which further restricts permitted development rights in the area.
5. Despite the presence of some PVC windows in the front elevations of various properties in the same terrace as the appeal site and wider CA, the overall character and appearance of the CA is maintained and is consistent with the Appraisal. In addition, stairwells down to basement flats and accesses have retained their narrower, lower status appearance relative to the main, ground-floor access to the houses.
6. The proposed PVC windows and the half-glazed door to the front elevation would not be in-keeping with the established character of the CA which the Council has sought to protect through both the designation of the CA and the imposition of an Article 4 direction. I note that there are other PVC windows and doors in front elevations along the street. I consider that these detract from the character and appearance of the CA, owing to their appearance and form relative to timber windows. The Council also suggests these are not authorised, and I have been presented with no evidence to suggest otherwise. As a result, I consider that the proposed PVC windows to the front and half-glazed door, which is not of a character or appearance consistent with the area, would harm the character and appearance of the CA.
7. Notwithstanding the proposed short extension of the boundary wall beyond the top of the widened stairs, the proposed alterations to create the bin-store would, in my view reduce the overall sense of enclosure to the street-scene and introduce an awkward wall form, inconsistent with the wider area. I do not consider that the examples of other similar bin stores submitted by the appellant lend support to this proposal. I saw these on my site visit and in my view, they weaken the sense of enclosure along Drakefell Road and do little to reduce the apparent visual clutter caused by the presence of wheeled bins in front gardens or on the pavement itself.
8. I agree with the Council that the widening of the stairs would create an appearance inconsistent with the established character of the area, where basement steps appear narrower and steeper than those leading to the original front-door, reinforcing the status of each access and the hierarchy between them.
9. Whilst I accept that there are differences in the details of steps along the street, these appear to be largely a function of the change in levels along Drakefell Road. In my opinion, the arrangement of basement steps relative to main access steps retains a clear hierarchy throughout the street, and the proposal would diminish this character.

10. The appellant has suggested that the proposal tidies up the appeal site, that there is no uniformity in the street-scene with regard to boundary enclosures, and that there are safety implications around the steps. I have set out above why I do not consider that the proposal is appropriate in terms of its impact on the character or appearance of the area, and these do not change my conclusions.
11. The appellant has suggested that the policies cited by the Council in their decision are not relevant to this proposal. I do not agree. The policies deal with supporting good urban design and local character, ensuring good quality and well-designed alterations and extensions, all matters which are relevant to the proposals in this appeal.
12. For the reasons outlined above, insofar as it relates to the front of the property, the proposal would neither preserve nor enhance the character or appearance of the CA. In the context of paragraph 196 of the National Planning Policy Framework (the Framework), less than substantial harm would be caused to the CA. However, I do not consider that there are any identified public benefits which would outweigh this harm. In reaching this view, I note that paragraph 193 of the Framework states that great weight should be given to the conservation of the heritage asset.
13. Insofar as it relates to works to the front of the property, the proposal is therefore contrary to Policies 7.4, 7.6 and 7.8 of the London Plan 2016, Policies 15 and 16 of the Lewisham Local Development Framework, Core Strategy Development Plan Document, adopted June 2011 (the Core Strategy) and Policies 30, 31 and 36 of the Lewisham Local Development Framework Development Management Local Plan, adopted November 2014 (the Local Plan). These policies seek to ensure, amongst other things, that development is compatible with and respects the existing character, appearance, and quality of an area. The policies also seek to ensure that development preserves or enhances the character or appearance of conservation areas, and that development is compatible with the special characteristics of such areas.
14. The appellant has requested that I consider issuing a split decision on this appeal. I note that the Council has no objections to either the replacement rear windows and doors, or the replacement of the garden shed. As the elements of the proposal to the rear are both physically and functionally severable from those proposed to the front, I consider that a split decision would be appropriate. However, the proposed gate, railing and paving are neither physically nor functionally severable from the rest of the work proposed to the front, so cannot benefit from a split decision.
15. From my site visit, I saw that the upper floors to the rear of 104 Drakefell Road and neighbouring properties already had PVC windows, and there is a garden shed in situ. As the replacement rear windows and doors and shed would not be readily visible from the public domain and as the Council has no objection to them, I consider that they have a neutral effect on the CA. They would therefore preserve the character of the CA. These elements of the proposal would therefore comply with the relevant policies of the London Plan, the Core Strategy and the Local Plan, as well as the requirements of the Framework.

Conditions

16. In respect of the works to the rear, I have imposed a standard condition requiring compliance with the submitted plans, insofar as they relate to the works to the rear. This is necessary to ensure the satisfactory appearance of the completed development and to preserve the character of the CA. In so doing, I have assessed it against the tests in the Planning Practice Guidance.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed insofar as it relates to the works to the front of the property, but that it should succeed in relation to the works to the rear.

S Dean

INSPECTOR