



Appeal Decisions

Site visit made on 7 October 2019

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2019

Appeal A Ref: APP/E5330/W/19/3228541

Flat 1, 113 Blackheath Park, Blackheath SE3 0HA

- 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 Ana Maria Groenendijk against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/0481/F, dated 8 February 2019, was refused by notice dated 5 April 2019.
 - The development proposed is the demolition of an existing outbuilding and construction of a replacement building.
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Appeal B Ref: APP/E5330/Y/19/3228540

Flat 1, 113 Blackheath Park, Blackheath SE3 0HA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Ana Maria Groenendijk against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/0482/L, dated 8 February 2019, was refused by notice dated 5 April 2019.
 - The works proposed are the demolition of an existing outbuilding and construction of a replacement building.
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Decisions

Appeal A Ref: APP/E5330/W/19/3228541

1. The appeal is allowed and planning permission is granted for the demolition of an existing outbuilding and construction of a replacement building at Flat 1, 113 Blackheath Park, Blackheath SE3 0HA in accordance with the terms of the application, Ref 19/0481/F, dated 8 February 2019, subject to the conditions in the schedule to this decision below.

Appeal B Ref: APP/E5330/Y/19/3228540

2. The appeal is allowed and listed building consent is granted for the demolition of an existing outbuilding and construction of a replacement building at Flat 1, 113 Blackheath Park, Blackheath SE3 0HA in accordance with the terms of the application Ref 19/0482/L dated 8 February 2019 and the plans submitted with it subject to the condition in the schedule to this decision below.

Procedural Matter

3. The appeals relate to a building that has already been erected, although the applications that led to the appeals proposed changes to the windows and

doors from those that are currently in place. In the interests of clarity, and as 'retention' does not comprise either development or works for the purposes of the Acts referenced in the banner headings above, the description of development and works that I have used is a modified version of that used by the Council in its Decision Notice, rather than the form of words that appears on the application forms¹.

Main Issue

4. The main issue in these appeals is whether the outbuilding preserves 113 Blackheath Park a Grade II Listed Building, its setting and its special interest.

Reasons

Special interest and significance

5. The appeal relates to 113 Blackheath Park, a Grade II Listed Building situated within the Blackheath Park Conservation Area. No 113, an early to mid-19th Century Villa is of 3 storeys, the wide façade of which is faced in stucco and addresses its front garden. Set back deeply from the highway in its own grounds No 113's impressive scale, and the formal elegance of its façade with its large central ground floor canted bay as a focal point contribute to its aesthetic significance and are clear signifiers of its high status. These aspects are also interrelated with the significance derived from No 113's historical associations with John Stewart Mill and the former Prime Minister Lord Aberdeen. As a good example of a large house set within a generous plot the appeal building also contributes to the character and appearance of the Conservation Area, the significance of which derives to some extent from the relationship of its buildings to their verdant and park-like setting.

The outbuilding and appeal proposals

6. The appeal relates to an existing outbuilding, which has replaced a similar structure formerly on the site in a similar position, although this former building did not appear to benefit from planning permission or listed building consent. Located to the side of No 113 in a position set back from the façade of the main building, the outbuilding is of a single-storey and has a flat roof. The appeal scheme would also entail the replacement of the windows currently present within the outbuilding with timber-framed examples.

The effect of the outbuilding

7. The outbuilding is of a diminutive scale and is set back from the façade of No 113. As a consequence, despite its close relationship with No 113, the outbuilding reads as a separate and subservient ancillary structure, which neither competes with the dominance of the main building's impressive façade, nor reduces the sense of spaciousness of the plot. Moreover, the appeal development's facing material, whilst a clear contrast to the stucco and brick of the main building, visually distinguishes the outbuilding from No 119 and further emphasises the ancillary nature of the structure. Consequently, the positioning, scale and style of the outbuilding erode neither the architectural character nor the high-status appearance of No 113.

¹ Which is "Retention of domestic outbuilding with modifications"

8. The existing window and door openings of the outbuilding contain uPVC frames. In contrast to the relatively slender window frames employed in the main building, these uPVC frames appear bulky and lacking in visual subtlety. As a consequence, the uPVC frames impart a discordant appearance to the outbuilding, particularly as the glazed doors account for a considerable proportion of its garden-facing elevation. Nevertheless, I am mindful that hardwood elements are proposed to replace them. Consequently, subject to appropriately worded conditions, I consider that the timber-framed elements as proposed would serve to improve the visual relationship of the outbuilding to its host and would therefore deal effectively with the harm that these elements cause to the significance of No 113.
9. I understand that the building demolished to make way for the outbuilding subject to this appeal was in situ for a considerable number of years, and I have been supplied with no substantive evidence to suggest that it caused any damp problems to the main house. Neither has it been demonstrated that the outbuilding subject to this appeal would cause any problems in this regard. Consequently, this matter does not weigh against the appeal scheme in terms of its effects to the significance of the Listed Building.
10. Accordingly, mindful of the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, these considerations lead me to the conclusion on this main issue that the appeal scheme would preserve 113 Blackheath Park, its setting and its special interest. It also follows that the appeal scheme would preserve the character and appearance of the Blackheath Park Conservation Area.
11. For these reasons, the appeal scheme would not conflict with Policy 7.8 of the *London Plan: The Spatial Development Strategy for London- Consolidated with alterations since 2011* (adopted March 2016); or Policies DH3 and DH(i) of the *Royal Greenwich Local Plan Core Strategy with Detailed Policies* (adopted July 2014); or the National Planning Policy Framework (the Framework). Neither would the appeal scheme run contrary to advice set out in the Government's Planning Practice Guidance or Historic England's *The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3*. Taken together, and amongst other things, the policies and guidance seek to ensure that heritage assets are conserved in a manner appropriate to their significance and that listed buildings are preserved.

Other Matters

12. Although I am mindful of the response from an interested party which suggests that the outbuilding subject to the appeals does not benefit from consent from the freeholder of the land, this is essentially a private matter that carries no weight in my consideration of the planning merits of the appeals.
13. As I have found that the outbuilding would preserve No 113, its setting and its special interest it would not create a precedent for proposals that would cause harmful effects in these regards.

Conditions

14. The Framework sets out² that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the

² At paragraph 55

development (or works) to be permitted, enforceable, precise and reasonable in all other respects.

15. As the development and works have already commenced it is not necessary to attach the standard implementation condition in this case. In the interests of certainty, a condition specifying the approved plans has been attached in respect of Appeal A; however, as conformity with the approved plans is part of the formal decision set out above in respect of Appeal B, no such condition is replicated in respect of the listed building consent.
16. In order that the outbuilding preserves the setting and special interest of No 119, a condition is attached requiring the installation of timber windows and doors in accordance with details to be submitted to and approved by the Council.

Conclusions

17. For the reasons set out above, and taking fully into account all other matters raised, I conclude that the appeals should succeed.

G J Fort

INSPECTOR

Appeal A Ref: APP/E5330/W/19/322854

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan-Rev 1; Existing Elevations Drawing no. 113BP_outbuilding-Rev 1; Ground Floor Plan-Existing Drawing no. 113BP_flat1_existing-Rev 1.
- 2) The building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a detailed scheme for the hardwood windows and doors (as annotated on Drawing no. 113BP_outbuilding-Rev 1) including drawings to a scale of not less than 1:5 fully describing the details of the new windows and doors including: the cross-section of frames, transom, mullions, glazing bars etc; the method of opening; the method of glazing; and the material specification for the frames shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, the hardwood windows and doors 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.

Appeal B Ref: APP/E5330/Y/19/3228540

- 1) The building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a detailed scheme for the hardwood windows and doors (as annotated on Drawing no. 113BP_outbuilding-Rev 1) including drawings to a scale of not less than 1:5 fully describing the details of the new windows and doors including: the cross-section of frames, transom, mullions, glazing bars etc; the method of opening; the method of glazing; and the material specification for the frames shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

- ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, the hardwood windows and doors 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.

*****End of Conditions*****