



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: 14 November 2019

Appeal A Ref: APP/A5840/W/19/3234522

31 Lyndhurst Way, London SE15 5AG

- 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 A Koundarjian against the decision of the Council of the London Borough of Southwark.
 - The application Ref 19/AP/0828, dated 15 March 2019, was refused by notice dated 13 May 2019.
 - The development proposed is the construction of a single-storey and part two-storey rear extension.
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Appeal B Ref: APP/A5840/Y/19/3234527

31 Lyndhurst Way, London SE15 5AG

- 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 Mr A Koundarjian against the decision of the Council of the London Borough of Southwark.
 - The application Ref 19/AP/0829, dated 15 March 2019, was refused by notice dated 13 May 2019.
 - The works proposed are the construction of a single-storey and part two-storey rear extension.
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Decision

Appeal A Ref: APP/A5840/W/19/3234522

1. The appeal is allowed and planning permission is granted for the construction of a single-storey and part two-storey rear extension at 31 Lyndhurst Way, London SE15 5AG in accordance with the terms of the application, Ref 19/AP/0828, dated 15 March 2019, subject to the conditions set out in the schedule to this decision below.

Appeal B Ref: APP/A5840/Y/19/3234527

2. The appeal is allowed and listed building consent is granted for the construction of a single-storey and part two-storey rear extension at 31 Lyndhurst Way, London SE15 5AG in accordance with the terms of the application Ref 19/AP/0829 dated 15 March 2019 and the plans submitted with it subject to the conditions set out in the schedule to this decision below.

Procedural Matter

3. In the banner headings above I have used the descriptions of works and development as they appear on the Council's Decision Notices on the

applications that led to these appeals rather than the form of words given on the application forms¹. I have proceeded on this basis because the proposed extension would have a glazed “lantern” element projecting above its main roof, and thus the description given above captures this aspect of the scheme more accurately.

Main Issue

4. The main issue in the appeals is whether the appeal scheme would preserve Nos 31 and 33 Lyndhurst Way, a pair of buildings with a Grade II listing, and their features of special interest.

Reasons

Special interest and significance

5. Situated in the Holly Grove Conservation Area, the appeal property is one of a pair of dwellings included on the Statutory List within Grade II. The buildings that address Lyndhurst Way feature a marked variety of elevational treatment and architectural style, although with facing materials and building lines that nevertheless impart some harmony to the streetscene. Nos 31 and 33 due to their scale, their idiosyncratic mansard roof, and the strong symmetry of their elevational treatment emphasised by the paired Dutch gables, contribute considerably to the character and appearance of the Conservation Area, and it is from these aspects that the architectural significance of the pair to some extent derives. Whilst of generally simpler detailing the rear elevation of the pair shares the front façade’s overall sense of symmetry- including paired gables. However, I note that unlike the front some alteration has taken place, particularly to a window opening at the first-floor level of No 33. Nevertheless, the rear aspect due to its overall balance, and its subservience in terms of detailing in comparison to the street-facing façade contributes to the special interest of the building in the architectural sense.
6. In terms of evidential interest, the appeal property’s internal plan-form and circulation pattern separate the functional elements of the building situated at basement level from the formal rooms on its upper floors. Reflecting the internal circulation, steps from the back door at the half-landing level allow direct access to the garden without first moving through the basement level rooms-although it is common ground that the steps themselves are unlikely to be original.
7. The appeal property is currently undergoing renovation pursuant to a recent consent². Amongst other things, the ongoing works seek to reverse the sub-division of the appeal property and to provide a single family dwelling

The appeal scheme

8. The appeal scheme would see the installation of a predominantly single-storey full width rear addition which would extend the basement level. The basement window openings would be altered to allow access between the existing and proposed spaces. A glazed element would project above the main roof of the proposed extension which would enclose the back door to admit access to the enlarged basement space.

¹ Which is “construction of a single-storey rear extension”

² Council reference: 18/AP/2424

The effect of the appeal scheme

9. Due to its small scale, taken together with its high glazing content, the appeal scheme would allow the overall symmetry of the much taller elevation to which it would relate to be clearly discerned. Moreover, although I note that the materials would not directly match those of its host property, they would, together with the proposed extension's design, allow it to be clearly read as a subsequent alteration. Whilst the proposal would entail the removal of the steps accessing the garden and involve the alteration of the existing window openings at the basement level, it would nevertheless retain the plan form of the appeal property, meaning that the clear separation of the functional and formal spaces of the original building would endure. Moreover, due to the proposed extension's simple design taken together with its lightweight appearance, it would appear as an unfussy addition that would not diminish the clearly subservient aesthetic of the rear elevation and its basement level when contrasted with the appeal building's street-facing façade and upper floors.
10. As a result of the appeal scheme, the garden would be accessed through the basement extension rather than via the existing steps directly from the half landing level. However, the existing rear door would still be used to access the garden albeit through the proposed extension, which for the reasons given above would be clearly distinct from the historic elements of the house. Moreover, the steps themselves are of limited interest in terms of their fabric. For these reasons, I consider that this aspect of the appeal scheme would not diminish the evidential significance of the Listed Building. These considerations, taken together, lead me to the view that the overall architectural hierarchy of the host building, and the Listed pair more generally, would not be diminished as a result of the appeal scheme.
11. In arriving at this view, I am conscious that the works ongoing at the property seek to return the appeal building to its use as a single dwelling following a long period of vacancy, and that they seek to undo the previous sub-division. This is clearly a use consistent with the building's conservation and the appeal scheme in this case would facilitate this use by providing a kitchen space more suited to modern needs of a scale commensurate with the appeal property's size.
12. Consequently, mindful of the duties imposed by 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 Nos 31 and 33 Lyndhurst Way and their special interest; and would preserve the character and appearance of the Holly Grove Conservation Area. 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); Policies 3.12, 3.15, 3.18 of the Southwark Plan (adopted 2007); or the National Planning Policy Framework (the Framework). Taken together and amongst other things these policies seek to ensure that heritage assets are conserved in a manner appropriate to their significance; and that alterations to existing buildings preserve the historic environment.
13. I note that aspects of the scheme, such as the materials and fenestration pattern, would not accord with Southwark's Technical Update to the Residential Design Standards Supplementary Planning Document (adopted October 2015)

(the SPD). However, the SPD states where an extension is not intended to be read as if it were a part of the original dwelling it should retain existing features that are important elements of the townscape or that contribute to the architectural integrity of the building, which, for the reasons set out above, would clearly be the case here.

Other Matters

14. The living conditions of the future occupants of the building have not formed part of the Council's reasons for refusal on the application that led to Appeal A. Nevertheless, I note from the appeal statement that conflict with the SPD is alleged insofar as it seeks to discourage rooms in existing houses from becoming completely internal and without a window as a result of extensions. However, in this case the openings to the existing basement room and high glazing content of the proposed extension would allow a reasonable degree of natural light penetration and outlook and therefore would not give rise to any material harm to the living conditions of the future occupants of the property.
15. Whilst elements of the proposed extension would be higher than the 3m suggested by the SPD, and it would have a depth in excess of 3m, I note that those aspects of the SPD relate to safeguarding the living conditions of the occupants of adjacent properties in terms of the availability of outlook, daylight and sunlight. However, neither the Council nor interested parties allege any adverse effects in these regards; and moreover, due to the limited additional structure that would be visible above the existing boundary walls, I consider that no material residential amenity harm would arise as a result of the proposal. Accordingly, I find that the variance from these aspects of the SPD does not weigh against the appeal scheme.

Conditions

16. The Framework sets out³ that conditions should only be imposed where they are necessary, relevant to planning and to the development (or works) to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the Council's list of suggested conditions on this basis and have made amendments to the wording of those attached where necessary in the interests of clarity.
17. In the interests of certainty, I have attached a condition in respect of Appeal A which specifies the approved plans; however, such a condition is not replicated in terms of Appeal B as progressing the works in accordance with the submitted plans is part of the formal decision above.
18. The proposed extension would contain a considerable amount of glazing, and its transparency would enable an appreciation of the overall balance of the appeal building's rear elevation. Consequently, to ensure that the special interest of the building is preserved I have attached conditions which require details of the proposed glazed elements to be submitted to the Council for approval prior to their installation.
19. Due to the contemporary design of the proposed extension it is unnecessary to attach a condition requiring use of materials and techniques that would match those of the host building. Nevertheless, in order to preserve the special interest of the building, it is necessary to impose conditions requiring the

³ At paragraph 55

timely progress of any works of making good that may be required after the completion of the extension. In the conditions attached in this regard, I have modified the wording suggested by the Council in the interests of enforceability.

Conclusions

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

G J Fort

INSPECTOR

Schedule of Conditions

Appeal A Ref: APP/A5840/W/19/3234522

- 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 & Location Plans: Drawing no. 0047-E0-100;
Lower Floor Plans-Proposed: Drawing no. 0047-20-100
Upper Floor Plans-Proposed: Drawing no. 0047-20-101
Roof Plan-Proposed: Drawing no. 0047-20-104
Section A-Proposed: Drawing no. 0047-20-200
Section B-Proposed: Drawing no. 0047-20-201
Section C-Proposed: Drawing no. 0047-20-202
Section D & E-Proposed: Drawing no. 0047-20-203
West Elevation-Proposed: Drawing no. 0047-20-300
East Elevation-Proposed: Drawing no. 0047-20-301
North Elevation-Proposed: Drawing no. 0047-20-302
- 3) Notwithstanding condition (2) the installation of the glazed elements hereby permitted shall not take place until details of all new glazing including frames, opening methods and fixing methods including elevation drawings at scale 1:20 and section drawings at scale 1:5 have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Upon completion of the development authorised by this consent, any damage caused to the building in the course of carrying out the development shall be made good within 3 months, and such works of making good are to match existing original adjacent work in respect of materials, method and finished appearance.

Appeal B Ref: APP/A5840/Y/19/3234527

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The installation of the glazed elements hereby permitted shall not take place until details of all new glazing including frames, opening methods and fixing methods including elevation drawings at scale 1:20 and section drawings at scale 1:5 have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 3) Upon completion of the works authorised by this consent, any damage caused to the building in the course of carrying out the works shall be made good within 3 months, and such works of making good are to match existing original adjacent work in respect of materials, method and finished appearance.

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