



Appeal Decision

Site visit made on 14 October 2019 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2019

Appeal Ref: APP/C5690/D/19/3235750

53 Jerningham Road, London SE14 5NH

- 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 & Mrs Armitage against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/111548, dated 20 March 2019, was refused by notice dated 30 May 2019.
 - The proposed development is a parking space to the front garden which involves making the lightwell smaller, adding railings to the lightwell and resurfacing the front garden in permeable paving.
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Decision

1. The appeal is allowed and planning permission is granted for a parking space to the front garden which involves making the lightwell smaller, adding railings to the lightwell and resurfacing the front garden in permeable paving at 53 Jerningham Road, London SE14 5NH, in accordance with the terms of the application, Ref DC/19/111548, dated 20 March 2019, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the approved plans: 10-001, EX-201, EX-202, PL-101 and PL-203.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The reason for refusal cited within the decision notice states that the proposal will result in the loss of on-street parking. In the planning officer's report, it is stated that a dropped kerb would result in the loss of an on-street parking space. However, the application does not relate to a dropped kerb. I understand from the "Parking Provision" supporting statement provided by the appellant that the dropped kerb is the subject of a different application. Furthermore, the submitted plans do not show a dropped kerb. As such, I do not consider that the loss of an on-street parking space should be considered under this appeal.
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4. The reason for refusal cited within the decision notice references Policy 32 of the Development Management Local Plan (2014). However, as this relates to new-build housing and internal standards, it is not relevant to the main issue of the appeal and so is not considered as part of this determination.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the site, the street scene and the Telegraph Hill Conservation Area.

Reasons for the Recommendation

6. The appeal site comprises a two-storey Victorian property with lower ground floor level situated on the eastern side of Jerningham Road. The appeal property forms part of a semi-detached pair with No. 55, which adjoins it to the south. The front garden features steps providing access to a lightwell, and a grassy area that does not feature hardstanding. The site lies within the Telegraph Hill Conservation Area. Like most properties along Jerningham Road, the appeal property is designated as a "positive building" within the Telegraph Hill Conservation Area Character Appraisal (2008) which states that the hardsurfacing of front gardens for off-street parking has had a harmful effect upon the Conservation Area.
7. During my site visit, I observed that the front gardens of many nearby properties along Jerningham Road had been converted to provide off-street parking spaces including Nos 47 and 59 nearby. While such parking areas are not an original feature in the Conservation Area, they do form part of the established character of Jerningham Road, as acknowledged by the Council. As such the proposal would not appear incongruous when considered within the context of the street scene.
8. The adjoining property at No 55 has retained its front garden, and therefore the development would have an effect on the symmetry provided by the two dwellings. However such symmetry is not a characteristic of the area as many pairs of houses have varying front gardens. Similarly, due to the numerous parking areas in front gardens along the road, the distinction between the gardens and the street edge is not strong. Also the urbanising effect of removing the vegetation on site would, in wider context, be limited.
9. Furthermore, the use of the parking space to facilitate the convenient use of an electric car would provide a benefit in the interests of air quality.
10. As such, it is considered that the proposed development would appear incongruous in the street scene and so would not detract from the wider character and appearance of the Telegraph Hill Conservation Area.
11. The proposal therefore complies with Policies 7.4, 7.6 and 7.8 of the London Plan (2016), which respectively state that development should have regard to the form, function and structure of an area, make a positive contribution to a coherent streetscape and conserve the significance of heritage assets and their settings. The proposal would also comply with Policies 15 and 16 of the Core Strategy (2011), which respectively state that development should be sensitive to local context and that the Council will protect the value of heritage assets. The proposal also complies with Policies DM30, DM31 and DM36 of the

Development Management Local Plan (2014), which state that development should attain a high standard of design and preserve the character and appearance of Conservation Areas. The proposal would also comply with Section 6.7 of the Alterations and Extensions SPD (2019), which states that the Council will generally resist turning front gardens into car parking unless it can be demonstrated that no harm will result to amenity and local character.

Other Matters

12. The Council assert that by moving the retaining wall closer to the existing lower ground floor window, the proposal would result in harm to the living conditions of the occupants. However, due to the minimal repositioning of the wall and its slight reduction height in front of this window, the proposal would cause no harm in this regard.

Conditions

13. In addition to the standard timescale condition, I have imposed a condition requiring that the scheme be built in accordance with the approved plans for the avoidance of doubt. I have not added a condition stipulating the materials match the existing building, as suggested by the Council, as the permeable paving and new railings are different forms of development to that at the existing house. In any case the materials are specified on the approved plans.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR