



Appeal Decision

Site visit made on 7 October 2019

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2020

Appeal Ref: APP/C5690/W/19/3232965

1 Heathway House, Church Terrace, London SE13 5BT

- 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 Shaul Kornbluh against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/111304, dated 5 March 2019, was refused by notice dated 17 May 2019.
 - The development proposed is construction of an additional storey at second floor level above Heathway House to provide 2x 1 bedroom self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the appeal development on:
 - the character and appearance of the host building and whether the scheme would preserve or enhance the character or appearance of the Conservation Area; and
 - providing appropriate accommodation for single person occupancy.

Reasons

Character and appearance

3. The appeal building is two-storey constructed from red brick, with a hipped tiled roof. The section of Church Terrace containing the appeal site, is tree lined but relatively open due to the single storey lodge and churchyard occupying much of the opposite side of the street. There are also several rear gardens that border the road. This in turn adds to the prominence of the appeal site along the road.
4. The appeal site falls within the Blackheath Conservation Area (CA). The CA is divided into sub-areas and as such the appeal site falls within the St Margaret's Church, old churchyard and Church Terrace sub-area. The significance of this sub-area of the CA is derived in part from the illusion that the church is one side of a square when viewed from Lee Terrace. This is because the houses backing onto the churchyard have two formal facades according to the Blackheath Conservation Area Character Appraisal and Supplementary Planning Document (2007). It also describes 'this entire character area is a set piece of place-making and high quality historic townscape. It is very sensitive to

change and in development control terms it must be considered holistically as a whole as well as individually on a case by case basis'. There are several listed buildings within the vicinity, including Grade II listed memorials in the nearby churchyard. These are designated heritage assets and as such I have a statutory duty in relation to their preservation. In addition, there are several Locally Listed Buildings near to the appeal site.

5. Paragraph 193 of the National Planning Policy Framework (the Framework) explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
6. I note the appellant considers the proposal would result in no discernible change in height and scale to the appeal building and that the fenestrations would be compatible with the area. However, the proposed mansard roof form would increase the building's bulk and scale, unbalancing the proportions. The proposed front dormer windows would also add to the roof's visual prominence. Although the side dormers would be visible from the street, they would be positioned towards the back of the building behind chimneys. The side dormers would therefore have a neutral impact. The surrounding buildings are predominantly Georgian constructed from London stock brick and render. However, there are other building styles in the vicinity including the appeal building and a modern clad building to the south. The use of slate on the roof is in keeping with the surrounding area, however the proposed mansard roof and use of slate would look out of place on the 1930s style, red brick host building.
7. Whilst I note that the host building is not identified as one making a positive contribution, within the Blackheath Conservation Area Character Appraisal and Supplementary Planning Document (2007). However, in itself the building is well proportioned and balanced and in my judgement the proposed change in roof form including dormer windows and the use of slate would be harmful to both the host building and character and appearance of the conservation area.
8. I understand there have been previous refused/dismissed schemes relating to the appeal building. However, each application and appeal are determined upon their own individual merits.
9. I note there are listed buildings and memorials near to the site. In my view the nature and position of the proposal would not harm the setting of these nearby listed heritage assets. Due to its position, the proposed development would also not harm nearby locally listed buildings.
10. The proposed extension would harm the character and appearance of the CA. As it would not affect all vantage points, the harm would be less than substantial to the significance of the designated heritage asset. In that respect, the public benefit suggested would be the provision of two additional residential units, however I do not consider this would outweigh the harm to the significance of the CA.
11. The appeal development would harm the character and appearance of the host building and would fail to preserve or enhance the character or appearance of the CA. It therefore fails to accord with Policies 15 and 16 of the Lewisham

Local Development Framework Core Strategy (2011) (CS) which seeks amongst other things, to ensure any development conserves and enhances the borough's heritage assets, and the significance of their settings. It also fails to accord with DM Policies 30, 31 and 36 of the Lewisham Local Development Framework Development Management Local Plan (2014) (LP) which seek amongst other things, to respect and/or complement the form, architectural characteristics and detailing of the original buildings. It would also fail to comply with Policies 7.4, 7.6 and 7.8 of the London Plan (2016) and Section 16 of the Framework which seek amongst other things that buildings and streets should provide a high quality design response that is informed by the surrounding historic environment.

Providing appropriate accommodation for single person occupancy

12. The appeal building currently contains 4 (2 bedroom/3 person flats). The appeal proposal would provide 2 additional, 1-bedroom 1-person flats. DM Policy 32 of the LP requires new housing development to be provided with a readily accessible, secure, private and usable external space and include space suitable for children's play. Single person dwellings will not be supported other than in exceptional circumstances. Developments will be required to have an exceptional design quality and be in highly accessible locations. However, no exceptional circumstances have been presented for the proposed one bedroom units, and therefore the proposal fails to comply with DM Policy 32 of the LP.
13. I note the appellant's comments that this policy is restrictive in terms of single person occupancy, and that the National Technical Housing Standards, London Plan and the Framework are less restrictive. The appellant also refers to over a third of households being single person households, and others are divorced or widowed. Paragraph 3.36 of The London Plan (2016) mentions exemplary design for single person dwellings of less than 37sqm. As highlighted by the appellant this differs to exceptional which is used in the Council's policy.
14. I consider the site meets the accessibility criteria as the site is within Public Transport Accessibility Level 4. The proposal has however not demonstrated that it is an exceptional design, which is inconsistent with DM Policy 32 of the LP.
15. The appellant explains there is a communal garden of 353sqm which would be available for the existing 4 flats and the 2 proposed flats. Standards 26 and 27 of The Mayor of London, Housing Supplementary Planning Guidance (2006) refer to a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings. As such there would be enough space to cater for two additional flats as well as the existing flats. Whilst this amenity space would be overlooked by the flats which would affect privacy, this is not unusual for communal urban gardens. The appeal proposal therefore would provide for readily accessible, secure, private and usable external space and include space suitable for children's play.
16. I find the appeal development would on balance fail to provide appropriate accommodation for single person occupancy and would fail to accord with DM Policy 32 of the LP, which seeks, amongst other things, that single person dwellings will not be supported other than in exceptional circumstances. As exceptional circumstances have not been demonstrated to me, I find that there is conflict with this policy.

Other Matters

17. The appellant refers to the impact of the proposal on the host building and CA first being raised in the reason for refusal. According to them it was not picked up during pre-application advice or the planning application stage. I note these comments however pre-application advice is non-binding. I have also assessed the scheme on its own merit.

Conclusion

18. Consequently, for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L Gilbert

INSPECTOR