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## Appeal Decision

Site visit made on 4 February 2020

**by Edward Cousins BA, BL, LLM, Barrister**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 March 2020**

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**Appeal Ref: APP/C5690/W/19/3239609**  
**114 Devonshire Road, London SE23 3SX**

- 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 Raymond Trotman against the decision of the Council of the London Borough of Lewisham.
  - The application Ref DC/19/111177, dated 26 February 2019, was refused by notice dated 12 June 2019.
  - The development proposed is the formation of a crossover to provide off street disabled parking to the front garden with an electric charge point at 114 Devonshire Road, London SE23 3SX, together with associated alterations to the front garden and hedges.
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### Decision

1. The appeal is dismissed

### Main Issue

2. The main issue in this case is whether the proposed development preserves or enhances the character or appearance of the Forest Hill Conservation Area and the host property.

### Reasons

3. The appeal site is a three storey late Victorian semi-detached dwelling house, situated on the east side of Devonshire Road in a predominantly residential area. The host property, together with the adjoining property at 112 Devonshire Road, are set back from the public road, and have matching curved paths across front lawns from the roadway to each house entrance. Over each entrance both properties share a continuous curved metal canopy supported by slender columns. Both properties also share a continuous hedgerow to their respective front boundaries at Devonshire Road which provides an attractive setting for both houses.
4. The appeal site lies in the Forest Hill Conservation Area. The Conservation Area Character Appraisal recognises Devonshire Road as a late 19<sup>th</sup> century residential development. The appeal site is considered to form a Local Interest Building, a non-designated heritage asset. The appraisal indicates that the boundary wall and front garden arrangement provides a strong rhythm to the street frontage. The appeal site is also subject to an Article 4 direction.
5. The proposed development involves the formation of a crossover in order to create off-street parking. In order to achieve this, a portion of the boundary

- wall and hedge would be removed, together with the re-configuration of the front garden and the introduction of a hard standing for a vehicle.
6. There is evidence of an existing low wall with hedging behind. This is referred to as a "low brick upstand" in the appeal documentation. It is probable that this wall is the remaining feature of the original low wall constructed to provide support for Victorian iron boundary railings. Such railings were likely to have been removed during the early stages of the Second World War. Evidence remains on the top face of the wall of the original iron supports for such railings prior to their removal.
  7. I consider that the proposed development would be out of harmony with, and detract from, the cohesive relationship between the appeal site and the adjoining property. The loss of the front garden and its replacement of soft landscaping by a hard surface would detract from that cohesive relationship.
  8. The removal of part of the boundary hedge and wall would also fail to honour the integrity, cohesiveness and symmetry of the street frontage to the appeal site and 112 Devonshire Road. Additionally, the location, size and layout of the proposed parking space in the front garden would have a deleterious impact on the character and appearance of the host property, detracting from the front garden setting and its contribution to the street scene.
  9. Further, the proposed development would be at variance with, and fail to respect, the aims of the Forest Hill Conservation Area Character Appraisal which seeks the retention of existing architectural and landscaping features as part of the enhancement and preservation of the character and appearance of the area.
  10. I also take into account paragraphs 193, 194, 196 and 197 of the National Planning Policy Framework (the Framework). I consider that the proposed development would have a harmful impact which would adversely affect the significance of a non-designated heritage asset and the Conservation Area. Bearing in mind the scale of the development, I consider that this harm would be less than substantial.
  11. The Framework requires that harm to the Conservation Area should be weighed against the public benefits of the proposed development. Whilst the appeal proposal would provide off street parking for the appellant and his family, there would be little public benefit. Accordingly, the benefits would not outweigh the harm I have identified.
  12. Finally, I acknowledge the appellant's reasons for requiring an off-road space for an elderly disabled member of the family who makes occasional visits to the host property, and a severely disabled nephew who makes regular visits. However, I consider that this does not offset the harm to the character and appearance of the Conservation Area.
  13. As a consequence, the proposed development would be contrary to paragraphs 193 and 196 of the Framework, Lewisham local development framework Development Management Local Plan Policy 30 - Urban design and local character, and Policy 36 - New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens. These policies seek to achieve a high standard of design,

contribute to local distinctiveness and sustain and enhance the significance of heritage assets.

**Conclusion**

14. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

*Edward Cousins*

**INSPECTOR**