
Appeal Decision

Site visit made on 19 May 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 June 2020

Appeal Ref: APP/C5690/W/19/3242642

88 and 90 Manor Lane, Lee, Lewisham, London SE12 8LR

- 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 Paul Barber against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/113036, dated 9 July 2019, was refused by notice dated 11 September 2019.
 - The development proposed is removal of existing brickwork front garden walls and gateways to both numbers 88 and 90 Manor Lane and replacement with new brickwork and wrought iron black painted railings as new garden walls with new gates to match railings.
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Decision

1. The appeal is allowed and planning permission is granted for removal of existing brickwork front garden walls and gateways to both numbers 88 and 90 Manor Lane and replacement with new brickwork and wrought iron black painted railings as new garden walls with new gates to match railings in accordance with the terms of the application, Ref DC/19/113036, dated 9 July 2019, subject to the following conditions:
 - 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: 88ML/SK01 and 88ML/SK02.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials specified on the planning application form.

Main Issue

2. The main issue is the effect of the proposal on character and appearance of the buildings, the street and the Lee Manor Conservation Area in relation to its design and the proposed materials.

Reasons

3. The appeal relates to replacement front garden enclosures to 88 and 90 Manor Lane, end of terrace and mid terrace houses on the western side of the road opposite the junction with Taunton Road. The houses are part of a terrace of four houses with the outer units having two storey bay windows and the inner units having a bay at ground floor level only. There are similar terraces to the south on both sides of Manor Lane but otherwise some variation in the house

- styles. The original yellow stock bricks used to construct the terrace remains unaltered. On each of the houses in the terrace there is a contrasting red brick arch above the entrance opening, blocks of red brick work just below the eaves and a red string course below the first floor bay windows to nos. 88 and 94.
4. The appeal site and surrounding area are within the Lee Manor Conservation Area. This was designated in 1975 and originally covered residential streets to the south-east of the appeal site and a park, Manor Lane Gardens to the north-east. Houses on the western side of Manor Lane were added as an extension to the Conservation Area in 2008. S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires in respect of any land in a conservation area that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
 5. Policy 15 of the Lewisham Core Strategy (2011) (LCS) and Policy DM36 of the Lewisham Development Management Local Plan (2014) (DMP) reflect this in their aims to preserve or enhance the Borough's heritage assets in relation to their significance. Paragraph 193 of the National Planning Policy Framework states "*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*".
 6. The Lee Manor Conservation Area Character Appraisal (2008) (CAA) describes Lee Manor as a planned suburb built with streets on a grid pattern, in regularly sized plots, constructed in batches creating groups, which possess repeated scale, form, style and motifs. It comments, "*Despite variations in style there is also highly consistent use of materials*" and that "*the small front gardens with low boundary walls and a profusion of small trees contribute to the pleasant streetscape and provide additional consistency to the well ordered rows of houses*". The appeal site lies within Character Area 1c distinguished by the presence of medium sized and small town houses. The properties on Manor Lane, Taunton Road and Effingham Road are mostly terraced buildings in narrow plots with small front gardens. Many, including the appeal houses have been built to a relatively uniform design comprising an asymmetric frontage with a front door and first floor window over to one side and a large bay window of one or two storeys to the other. The significance of the conservation area lies in its combination of standardised overall design and consistency in materials with varied details resulting in pleasant rhythms in the street scene.
 7. There is a red brick wall to the front of no.88 and a brushed buff brick to the front of no.90. Neither are original features or a good match for the materials used on the houses. Both houses have gates formed in black painted railings and there are two gates to no.88. These enclosures are about 1m in height, as are many front garden enclosures nearby. But whereas there is consistency in the materials on the houses, there is great variation in the design and materials used on front garden enclosures. Most have masonry walls but a few having railings on low walls. The terrace including the appeal site is identified as one of many positive buildings in the CAA but in my opinion, the present enclosures that would be removed as part of the proposal make only a neutral contribution to the conservation area.
 8. The enclosures would be replaced by front garden walling to both properties, half brickwork and half railings with brickwork stability piers. The walls and piers would be constructed in yellow London Stock brickwork with a red

- engineering brick as a detail. Black painted wrought iron would be used as fencing to the upper parts of the walls and to form the gates. There would again be two gates for no.88.
9. The brickwork would form a better match for the houses than that on the present walls. The height of the enclosures would be similar to the existing and neighbouring enclosures and would provide consistency in the street scene in this respect. Whilst most front garden walls nearby do not have railings on top of a wall, several do, and there are also railings to Manor Lane Gardens opposite and to some of the larger buildings. The inclusion of metal gates would reflect the form of present gates to both houses.
 10. In section 4 of the CAA, 'Materials and Details' are discussed. Yellow stock brickwork is stated as making "*a very significant contribution to the appearance of the Conservation Area*". Furthermore that "*most of the buildings are constructed of this material, along with the majority of boundary walls and gate piers*". It also comments that "*Red brick has been used on many buildings as a contrast with the stock brick to provide architectural details including architectural banding. It makes an understated contribution to the visual quality of the buildings where it has been used*". The CAA notes the existence of alternative styles and materials that add interest to the Conservation Area and reflect a range of architectural fashions current at the time of its development. Overall, my finding is that the proposal would preserve the character and appearance of the conservation area.
 11. The Council do not favour a replacement wall with metal railings and point to other comments in the CAA. In relation to boundaries, it states "*The majority of the buildings within the conservation area were historically fronted by medium sized gardens. These were almost all defined by low walls of yellow stock brick with single garden gates. In several areas the walls are topped by white painted copings, which are also used on the low gate piers. These materials are consistent with those used on the buildings, have a high visual quality and create a consistent pattern throughout the conservation area*". At my site visit, I noticed a few such low walls, some with a white painted coping, elsewhere in the conservation area, but none in the vicinity of the appeal site. The houses along this part of Manor Lane are smaller compared to some in other parts of the conservation area and there is greater consistency in a higher form of enclosure.
 12. The Council acknowledges precedents for railings to the north at 82-86 Manor Lane but consider that nos. 88 and 90 are separated from these by the gap in the townscape created by the bridge over the Quaggy river and therefore read as part of a distinct and separate group. Nevertheless, there are several distinct groups of buildings along Manor Lane and the inclusion of railings is more widespread than just nos. 82-86. Moreover, the appellant has referred to other sites also in Character Area 1c of the conservation area where the Council has recently granted planning permission for front garden enclosures with railings comparable to those now proposed¹.
 13. The proposal would not cause harm to the significance of the Lee Manor Conservation Area. It would respect the special duty set out at paragraph 4 above to preserve or enhance its character or appearance. It would also be compatible with Policy 15 of the LCS and Policies DM30, DM31 and DM36 of the

¹ 67, 69 & 71 Brightfield Road.

DMP which collectively promote a high standard of design that respects and/or complements the form, setting, architectural characteristics, and detailing of the original building, and that boundary treatments should reflect the context by using high quality matching or complementary materials.

Conclusion

14. The design and materials proposed would not cause harm to the character and appearance of the host buildings, the wider street scene or to the Lee Manor Conservation Area. For the reasons given, and having regard to all other matters raised, the appeal is allowed subject to conditions. In addition to the statutory condition limiting the lifespan of the permission, a condition is needed to list the plans in the interests of certainty and to enable the approval of minor material amendments should this be expedient. A condition is also necessary to ensure that the enclosures are constructed in the matching materials specified.

Rory MacLeod

INSPECTOR