
Appeal Decision

Site visit made on 13 July 2020

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2020

Appeal Ref: APP/C5690/W/19/3239930

29-35 Tranquil Vale, Blackheath, London SE3 0BU

- 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 Shaptor Contracting Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/18/109919, dated 23 November 2018, was refused by notice dated 5 July 2019.
 - The development proposed is the demolition of existing B1 office building and construction of two semi-detached houses with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the setting of 29-35 Tranquil Vale, a grade II listed building, and on the Blackheath Conservation Area (CA);
 - the living conditions of the occupiers of 1 Collins Street and 29 Tranquil Vale, with particular regard to outlook; and,
 - the use, viability and sustainability of 29 and 31 Tranquil Vale.

Preliminary Matter

3. While the Council's report refers to the draft London Plan having completed its examination in public and attracting weight, its reasoning is against the 2016 Plan, which are the policies in my considerations below.

Reasons

The significance of 29-35 Tranquil Vale and the CA

4. The smart, terraced faces of this long range of buildings enclose the commercial street, enliven the architectural backdrop to the hustle and bustle of the people passing along it, and enrich the townscape of the CA with an C18 idiosyncratic elegance. The backs of the buildings and the spaces behind them are more utilitarian, their forms, detailing and landscape less complicated by public appearance, and now tempered by rounds of subsequent development. The distinctive, diminutive character of No 29 is still discernible, and the historic forms of Nos 33 and 35 remain legible. The back of No 31 has been
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altered for an external stair, several layers of timber cladding, a high level terrace enclosure, a timber deck cantilevering from the façade, and includes sealed openings and air handling plant on the façade. Nonetheless, the backs of the buildings retain architectural interest in the hierarchical interplay between the languages of front and back, and their arrangement has some historic value in illustrating the social structures at the time of their construction.

5. The plots behind these buildings are long and extend towards the railway. I acknowledge that the quality of the landscape within them does not generally measure up to their great length, their forlorn and truncated appearance suggesting previous commercial or industrial uses in connection with the close access to the railway. Nonetheless, the boundary walls and fences which enclose the plots retain an important function in marking-out and enclosing the land associated with the buildings. Though they have limited architectural interest in their own right, they retain historic value as boundary markers of the plots extending behind the terrace. This is demonstrated by their alignments retained during the phases of development behind the building, as indicated on the historical maps. The spatial clarity of this setting, the distinction between the space behind the buildings and the buildings themselves, the space which lets those rear aspects of the buildings breathe and take their place in the architectural scene, are part of their architectural significance.
6. The CA is remarkable for its development on the edge of the Heath, with the tightly-grained, concentrated arrangement of intimately proportioned streets and long but low terraces within the centre of the village dating from the turn of the C18, containing altered buildings of different eras, notably terraces of shops from around 1840. The pattern of development to the west of the street block in which this proposal stands resounds with the order of the Victorian era, with neatly clipped terraces of houses, and serried ranks of domestic, back gardens. No 35 retains the historical footprint of development descending to the railway, and I saw that the section to the east, by the Literary Institution building, forms a perimeter enclosure to the street. Notwithstanding this, the street block retains a clear spatial distinction between the back of the buildings on Tranquil Vale and the surrounding development, which reinforces the characteristic order of space between buildings and streets which is part of the distinctive significance of the pattern of development in the CA.

The effect on the setting of the listed building and on the CA

7. In terms of their appearance, the proposed houses would be joined like many of those surrounding them and would be broadly equivalent to their overall height and footprint. Their architectural language would break from the past, but there are sufficient elements rooted in the same tradition to make them sensitive insertions, compatible with the distinctive architectural character of the listed building and the CA. For instance, though their roofs would be mono-pitched, their eaves would nudge differentially below those of the neighbouring houses; the facades would employ a string course; the proportions of the windows would be vertical, dramatically so with the incorporation of a decorative arch, albeit reversed; and the suggested colours and textures of the walls and roof would reflect those of the buildings around them. In terms of the effect of their appearance in the context of the setting of the listed building and the CA, I find no harm.

8. As regards the principle of rear development behind these buildings which date from the early-mid C18, the historical maps indicate that there have been buildings behind Nos 33 and 35 since 1870, and behind Nos 29 to 35 since 1903. I appreciate that the original condition of these buildings may have been undeveloped at the back. Nonetheless, the historical development now has a bearing on their significance and is a substantial component of their setting today, wherein the rear plot of No 29 appears truncated, and the development behind Nos 33 and 35 remains in place. This suggests that, in principle, development behind Nos 29 to 35 would not be incompatible with the historic significance or setting of the listed building or the character of the CA. I note the Council's concern that the houses would reduce the visibility of the back of the buildings in views. However, these views are limited in number and glimpse-like, rather than planned or legibly part of a broader setting. The effect would not be determinative.
9. Notwithstanding this, the alignment of the houses would largely follow Collins Street rather than Tranquil Vale, jarring with the repeated, consistent alignment of the terrace of the listed building. The development would also result in an intrusive disruption of the order of the space behind the listed building by a substantial building cutting acutely across the rear plots rather than standing in harmony with their geometry. This architectural tension would be unresolved by the forms of the new houses or their landscaping. It would be a strikingly incompatible and enduring break from the existing pattern of development and the historic alignments which characterise this street block, undermining the setting of the listed building and the distinctive order in the pattern of development of the CA.
10. I understand the intention to continue the established and powerful alignment of Collins Street, particularly adjoining the existing pair of houses there. I also take into account the historic and present justification for development here, and not least the creation of a semi-public space which would bring many positive aspects to the public realm over the exiting condition of the buildings at the back of Nos 33 to 35 which add little to the townscape of the CA. However, I am not convinced that in this setting, alternative siting more sensitive to the alignment of the listed building and the space behind which forms its setting, and which is a part of the distinctive pattern of development in the CA, could not be developed.
11. For these two reasons of misalignment and spatial compression, I find that the setting of 29-35 Tranquil Vale, to the desirability of the preservation of which the Act requires that special regard be given, would be harmed. The development would also fail to preserve the spatial character of the CA, to the desirability of which the Act requires that special attention be paid.
12. The proposed development would conflict with London Plan 2016 (LP) policies 3.5 and 7.4, Core Strategy 2011 (CS) policy 15, and policies 30 and 36 of the Development Management Local Plan 2014 (DMP). These seek a high quality design that is informed by the surrounding historic environment, which conserves or enhances heritage assets and the significance of their settings, considers opportunities for development within the setting of a listed building to enhance or better reveal its significance, which is compatible with the special characteristics of the CA.

The living conditions of surrounding occupiers

13. 1 Collins Street: The back garden of No 1 has been carefully laid out for amenity and includes a terrace area for sitting out, next to the house. The screening, terrace wall of the proposed adjoining house would project around 2m beyond the back wall of No 1, to a height approaching the head of its upper ground floor window. I have taken into account that the wall could be planted to soften its appearance. Nonetheless, this would not reduce the visually intrusive impact of its height and depth, the enclosing effect of which would reduce the outlook from the back garden of No 1 by a significantly harmful degree.
14. This unacceptable harm to the amenity of the occupiers of No 1 would place the proposed development in conflict with LP policy 7.6, CS policy 15, DMP policies DM32 and DM33 which protect the amenity of the occupiers of adjoining houses and gardens and which expect new residential development to provide a satisfactory level of outlook for neighbours.
15. 29 Tranquil Vale: The use of the back area appeared to me more in connection with the commercial use than any residential occupation. While the outlook from this area would change, the location and height of the closest section of the proposed houses would not be significantly different in terms of outlook from the present condition. While there would be a 2-storey element of building where there is presently none, the distance of the closest proposed house from the back of No 29 and the oblique angle of its frontage would be sufficient not to cause unacceptable harm to the occupiers of No 29. There would be no conflict in this regard with the policies identified above.

The use, viability and sustainability of 29 and 31 Tranquil Vale

16. The Council is concerned that separating the land behind No 29 and No 31 from these buildings may harm their use, viability and sustainability. No 29 includes a narrow shop. The land behind it is used as a yard and a small garden. The proposed development would truncate a small section of this plot but would not preclude its continued use. There is no suggestion that the development would cause unacceptable harm to the occupiers in terms of access, servicing, daylight, or privacy. There is no evidence of how the viability of No 29 would be affected by the development, or why the use of the building could not be sustained.
17. I acknowledge that the development would occupy most of the plot behind No 31. However, the area is overgrown and appears little used, with limited access to it from the residential use above the ground floor shop. Given the location of No 31 in the commercial centre of Blackheath, its proximity to the Heath, and the size of the residential use, the retained section of the back plot would not prejudice the continued use of the building. Indeed, the historic map from 1903 shows the land behind No 29 and No 31 with substantial buildings with similar open areas as would be retained in this development. There is no indication of any harm to the occupiers' access, servicing, or living conditions.
18. I appreciate that uses may change in the future, but there is no evidence to suggest that these buildings could not successfully adapt after this development. Indeed, history indicates that they have managed to do just that. In these circumstances, and without substantive evidence to the contrary, I cannot conclude other than that the proposed development would

not prejudice the use, viability and sustainability of 29 and 31 Tranquil Vale. I can see no conflict with DMP policy DM33 which controls the development of backland sites and back gardens to retain access, servicing and amenity and to prevent perimeter form development.

Other Matters

19. I have had special regard to the desirability of preserving any historic sections of building behind Nos 33 to 35 and those sections of the boundary walls which stand within the curtilage of Nos 29 to 35 and which may have done so since before 1948, which has not been raised as an issue by either party. The buildings proposed for demolition lack any architectural interest and have limited historic interest only in their footprint and siting. The boundary walls have limited architectural interest in their own right, their significance being their role to secure the plots and define boundaries. Their historic significance could be retained by conditions to control the design and siting of boundary enclosures.
20. The appellant refers to a partially implemented planning permission granted for a 3-storey office building at the rear of Nos 33 to 35 as a fallback. However, this was granted 37 years ago. The likelihood of its completion, particularly in the context of this residential use application and the time now elapsed, is limited. This and its different planning use limits the weight I can accord it as a fallback. Moreover, for the reasons above, it would not be more harmful than the scheme the subject of this appeal.
21. I have taken into account the setting of surrounding listed buildings but because of the distance and structures between them and the proposed development, their settings would be preserved. Similarly, I have considered the locally listed buildings and the Area of Special Character, but draw similar conclusions to those above.

Planning Balance and Conclusion

22. I have found that while the proposed development would not prejudice the use, viability and sustainability of 29 and 31 Tranquil Vale, it would harm the setting of the listed building and the character of the CA, as well as the amenity of the occupiers of 1 Collins Street.
23. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given my findings above, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
24. I acknowledge that the development would bring 2 family houses in a sustainable location. This attracts significant weight as a public benefit. I recognise the visual impact of the neglected state of some of the rear areas which would be improved, and the appearance and siting of the buildings to be demolished. I appreciate that the development would incorporate a vehicle turntable to ease access onto the highway thereby improving safety. However,

taken together, these public benefits would not outweigh the harm identified above to the significance of the heritage assets, to the conservation of which the Framework indicates that great weight should be given. I conclude therefore that the proposal would fail to preserve the setting of the grade II listed building and the spatial character of the CA. This would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and it would not be in accordance with the development plan.

Conclusion

25. For the reasons above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR