
Appeal Decision

Site visit made on 27 October 2020

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2020

Appeal Ref: APP/E5330/W/20/3254106

45A Lee Road, London SE3 9RT

- 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 and Mrs T Kiakides against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 19/3707/F, dated 25 October 2019, was refused by notice dated 22 January 2020.
 - The development proposed is the demolition of existing dwelling and front boundary wall, and erection of new 2 storey dwelling and attic storey over cellar. New front boundary wall and gates.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the Blackheath Park Conservation Area and the setting of the Grade II listed building at 47 Lee Road.

Reasons

3. The appeal property includes a detached two storey dwelling sitting within a fairly deep plot on the east side of Lee Road. The appeal dwelling, and No 45 to the north, date from the 1930's whereas No's 47 to 57 to the south date from the early-mid 19th century and are Grade II listed. The appeal property and its neighbours fall within the Blackheath Park Conservation Area (CA).
 4. The heritage significance of the CA lies in the quality and diversity of its housing, which range from grand Georgian and Victorian villas to flatted development. That residential character is largely uninterrupted by other uses and results in a quiet and suburban quality. Lee Road, whilst a reasonably busy through route, reflects these attributes. The mainly 19th century buildings that line the road are generously spaced and set behind fairly deep front gardens. For the most part, the later buildings do not detract from the character of this section of the CA.
 5. That holds true for the appeal building. Its relatively modest scale, simple form and restrained appearance help it to sit comfortably within the street scene. Whilst its spacing to No 45 is narrower than is the case with most other properties along the road, its spacing to No 47 at first floor level is reasonably generous. This is aided by the hipped roof forms of each of the buildings. At
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ground floor level, the gap between the appeal property and No 47 is largely taken up by garages attached to the sides of both buildings. Nevertheless, the garages are seen as unobtrusive, secondary buildings and allow the overall spacing between the dwellings themselves to retain the characteristic generosity of the street scene generally.

6. No 47 is a detached dwelling with a fairly simple built form and fenestration pattern. The stucco walls and shallow pitched hipped roof contribute to its elegant presence in the street scene.
7. The proposed dwelling would retain the existing spacing to No 45. However, the existing building's hipped roof would be replaced by a crown roof with a steeper pitch and a higher ridgeline. The ridgeline would be at the same level as No 45, despite the appeal building being at a lower ground level. The new dwelling would also have a projecting front truncated gable that would sit forward of the position of the existing building. Although the front of the projection would be on the same alignment as the front of No 45, it would add to the bulk of the new building at this sensitive location. These characteristics would close down the space between No 45 and the proposed building. The appellant contends that the front projection would help create a better relationship between the new building and No 45. However, the existing step in the building line does not appear as discordant in the street scene.
8. The side of the proposed dwelling adjoining No 47 would be in the same position as the side wall of the existing garage. This part of the building would be one and a half storeys in height. However, notwithstanding a slight set back in the front elevation and lower eaves and ridge heights relative to the remainder of the building, this side wing would be seen as an integral part of the dwelling. Together with the bulkier form of the main roof of the proposed building, it would considerably diminish the overall spacing to No 47. Again, this would serve to reduce the spaciousness around the new dwelling compared with the existing building.
9. Planning permission and listed building consent (application references 06/0696/F and 06/0696/L) have been granted for extensions to No 47. The permissions include a two storey side extension which has not been implemented, although the appellant accepts that it remains extant. If implemented, the two storey side extension would further close down the spacing between the appeal property and No 47. As such, it does not provide a robust justification for the appeal proposal.
10. I also note that the proposed dwelling would be deeper than the existing and have a substantially larger footprint. The new building would also have rooflights in the front roof slope, signifying second floor accommodation. This would serve to reinforce the scale of the new building and the reduction in the space between it and its neighbours.
11. Therefore, I consider that the scale, bulk and roof form of the proposed dwelling would lead to a significant reduction in the spacing between the appeal property and its neighbours which is characteristic of this part of the CA. The appellant argues that the scale of the proposed building would be comparable with others, including listed buildings, in the CA. I recognise that the scale of buildings within the CA varies and that, some which are fairly close to the appeal site, are substantial. However, my concern regarding the scale of the

- proposed building stems from the harmful consequences for its relationships with its neighbours, rather than the overall size of the building.
12. The front elevation would incorporate stock brickwork, decorative brick panels and a pre-patinated zinc window surround and aluminium glazing in a range of shapes and sizes. Together with the truncated front gable projection and lower side wing therefore, the complexity of the composition of this elevation would be at odds with the restrained elegance created by the simple built form and fenestration pattern and the limited range of materials used in No 47 in particular. Whilst the use of modern design and materials can be acceptable in an historic setting, in this case the contrast would be jarring. The appellant has referred to paragraph 131 of the National Planning Policy Framework (the Framework) which advises that great weight should be given to outstanding or innovative design. However, I am not persuaded that the design of the appeal proposal meets the standard necessary to benefit from that provision.
 13. The appeal proposal incorporates hard and soft landscaping works to the front garden including a second vehicle access, increased planting areas and gravel surfacing in place of the existing tarmac. Whilst this element of the scheme would preserve the character and appearance of the CA and the setting of the listed building, it would not overcome my concerns regarding the new dwelling itself.
 14. As such, I find that the appeal proposal would have a detrimental effect on the character and appearance of the CA and the setting of the listed building at No 47. It would, therefore, be contrary to Policies 7.4 and 7.6 of the London Plan (2016) (LP) and Policy DH1 of the Royal Greenwich Local Plan Core Strategy with Detailed Policies (2014) (CS) which require development to achieve a high quality of design that responds to its surroundings in its scale, mass, layout and materials. It would also conflict with LP Policy 7.8 and CS Policies DH3 and DH(h) which require proposals to conserve the significance of heritage assets by being sympathetic to their form, scale and architectural detail. Nor would the proposal accord with CS Policy DH(i) which resists proposals that would detract from the settings of listed buildings.
 15. The proposal would not accord with Framework paragraphs 192 and 193 which require the desirability of sustaining and enhancing the significance of heritage assets to be taken into account and great weight to be attached to their conservation.
 16. It follows that the proposal would not accord with sections 66(1) or 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require special attention to be paid to the desirability of preserving or enhancing the settings of listed buildings and the character or appearance of conservation areas.
 17. The harm to the heritage assets would be less than substantial and Framework paragraph 196 requires such harm to be weighed against the public benefits of the proposal. I have not been made aware of any public benefits which would overcome the harm that I have identified.

Other Matters

18. The appellant makes the point that, other than the Conservation Officer, there were no objections to the application from the Council's internal consultees.

Indeed this is reflected in the single reason for refusal. Nevertheless, the absence of other harm does not amount to a positive benefit in favour of the proposal.

19. I have had regard to the other objections expressed locally, including the concerns regarding the effect of the proposal on the trees in the rear garden of No 45. However, those objections have not led me to a different overall conclusion.

Conclusion

20. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR