The Planning Inspectorate

Appeal Decision

Site visit made on 16 February 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2021.

Appeal Ref: APP/C5690/W/20/3257192
Land at 8 The Glebe, London SE3 9TG

- 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 K Alder-Barber, Handspan Ltd against the decision of the Council of the London Borough of Lewisham.
- The application, Ref. DC/19/114927 dated 5 December 2019 was refused by notice dated 5 February 2020.
- The development proposed is the erection of a single dwelling house and associated works including replacement parking spaces for the existing house at number 8 The Glebe.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single dwelling house and associated works including replacement parking spaces for the existing house at number 8 The Glebe in accordance with the terms of the application, Ref. DC/19/114927, dated 5 December 2019 and subject to the conditions set out in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed dwelling on the character or appearance of the Blackheath Conservation Area ('the CA').

Reasons

3. The main issue derives from the appeal site's location within the CA and the duty imposed by Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') for development to pay special attention to the desirability of preserving or enhancing the CA's character or appearance. Within this, I consider that the individual matters to be addressed in this appeal, albeit within a necessarily holistic approach, are the merits of the development itself; its suitability for the site including the setting of the original villa, and the effect of the proposed dwelling and the treatment of its external areas on the street scene of The Glebe.

4. My consideration of the appeal and indeed the submissions of the main parties are informed by the Inspector's findings in her decision on APP/C5690/W/17 /3176774 dated 26 September 2018, one of three appeals relating to this site and the subject of a Local Inquiry. Although this appeal, amongst other matters, dismissed a proposal for two houses on the land between the host building and The Glebe, it confirmed that the principle of residential

development on this site is acceptable, subject to design details. This conclusion is accepted by the Council.

5. Furthermore, the reasons for the Inspector's dismissal of the proposal for two new dwellings in the area between the existing house and Glebe Road are particularly helpful in deciding the scale and form of development that can justifiably claim to be consistent with the Council's policies, in particular Policies DM30, DM33, DM36 & DM37 of the Lewisham Development Management Plan 2014 ('the Local Plan') and Section 16: 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework 2019 ('the Framework'). Other relevant policies are in the Lewisham Core Strategy 2011 and the published London Plan March 2021, whilst on a non-statutory basis the CA's Character Appraisal SPD 2007 refers to this part of the CA as Character Area 10 with its original 16 mid-19^{tH} century Italianate and Gothic villas within The Glebe, of which 10 now remain.

6. From the Council's evidence on the current proposal, it is clear that (i) 'design' is to be interpreted in a wider sense as including size / scale, and (ii) that development on the site does not necessarily preclude either a contemporary building or one that is *'partially sunken/benched into the slope of the site, enveloped by soft landscaping'.* As regards the latter, the Council's view is that *'this approach is positive in that there is a genuine effort to screen the new building mass and reflect subservience to the existing villa at the site'*.

7. This clarification of the Council's position is welcome, because together with the appeal parties' acceptance of the Inspector's analysis in the previous appeal of the appeal site and its role within the CA, it allows a clear focus on the particular objections to the scheme that have resulted in the refusal. Notwithstanding the positive comments in the preceding paragraph, when taken as a whole, the Council considers that although the appeal scheme would cause 'less than substantial harm' to the significance of the designated heritage asset (the CA), there would nonetheless be *'moderate to high harm'*. This would be compounded by harm to the setting of the existing villa, a non-designated heritage asset. And with regard to paragraphs 196 & 197 of the Framework, the Council concludes that there are no public benefits that would outweigh these adverse effects.

8. There are two main strands to the Council's refusal of permission and I note from the results of public consultation that over 20 local objectors raised matters broadly consistent with the Council's views. I have read these representations and taken them into account, noting also that some concerns on detailed points are capable of being addressed by conditions imposed on a permission. The first of the Council's main submissions is that the footprint of the proposed dwelling would be excessive, with the consequences that it would compete with the existing villa rather than be subordinate to it, and would be insensitive to the site's setting.

9. However, I consider that the extent of the footprint is not in itself a reliable basis for resisting the scheme, albeit this might have been the case if the extent of the proposed dwelling were such as to cover the majority of the site. But in this instance even after about half of the land to the front and sides of the existing No. 8 has been retained for that property's garden, the footprint of the

proposed dwelling would occupy only about a third of the plot shown on the submitted plans as the application site.

10. Whilst I accept, as did the Inspector in the previous appeal, that an important objective is to ensure that the existing (part) villa at 8 The Glebe remains in view from the road, I do not endorse the Council's view that this should be achieved through the proposed dwelling being reduced in size and more confined to the north west corner of the site with its own access. Indeed, a building of modest scale in the corner of a plot would not be in keeping with the CA's original development pattern of 'grand villas' intended to draw the eye and bear witness to the superior status of the area.

11. Conversely, an overly prominent building on the site would undermine the objective of allowing the existing No. 8 to be perceived as having some primacy in views from the road. The appellant's solution is one of a building with a footprint more commensurate with the original villa (No. 8 with its 145sqm was supplemented by the floorspace of No. 8A, albeit a lesser figure, before their sub-division). The dwelling's design already has a horizontal emphasis with its part single storey and part two storey form. But with the building also taking advantage of the 4m fall in level on the site to significantly reduce the impact of its height and mass, I consider that it would have an entirely acceptable impact in public views from The Glebe.

12. The building would be sited close to flank and rear boundaries, but with its L - shaped footprint the openness and greenery of the landscaped garden would extend to all parts of the plot. This contrasts with a more conventional development where a substantial part of the site not covered by the building would be a private rear garden screened from view. Furthermore, subservience to No. 8 would be achieved through the combination of this tree prioritised landscaping and the dwelling's essentially rearward siting and partially subterranean setting. The subtlety and discreetness of the dwelling in this position would be further enhanced by the clean lines of the contemporary design and the choice of a green roof and walls.

13. The Council's second main objection is that the character and appearance of the site would be harmed through the substantial excavations and alterations to land levels and their retention in a landscaping scheme. It is considered that this would unduly truncate the garden of the existing villa and together with parking spaces and paths would emphasise the large scale of the new dwelling.

14. However, whilst I acknowledge that the ground works are significant, the visual trauma would be confined to the period of construction. On completion of the development and particularly with the passage of time and increased maturity of the landscaping, the lawn of No. 8 and even the railings delineating the termination of the grass slope to the green roof would read as the layout of a formal front garden of the villa.

15. This perception of a complementary unity between old and new would be reinforced by the shared use of the access, as opposed to a separate access on the far side of the frontage. The appellant has cited The Pagoda in Pagoda Gardens as a precedent within the CA, albeit that in that case the host building is a Grade II* listed building. And whilst no two sites are entirely comparable, I consider that the development in this appeal would be more discreet than in

that example of an infill development with a contemporary development in front of a period building.

16. My conclusion on both the primary concerns of the Council is that the proposed dwelling and the re-modelling and landscaping of the site would as a minimum preserve the character and appearance of the Blackheath Conservation Area and the setting of No. 8 The Glebe as a non-designated heritage asset. Accordingly, there would be no harmful conflict with Local Plan Policies DM30, DM33, DM36 & DM37; the policies referred to in the Core Strategy and the London Plan; Section 16 of the Framework and Section 72 of the LBCA Act.

Other Matter

17. A number of local residents and the Blackheath Society have expressed concern as to the absence of any progress towards the restoration of the existing villa, despite the permission given by the previous Inspector. Whilst I recognise this disquiet, this matter is subject to a separate procedure and I am unable to address the issue as part of my determination of this appeal.

Conclusion and Conditions

18. For the reasons explained above, and having had regard to all other matters raised, the appeal is allowed. Both the main parties have suggested conditions and I have had regard to these. However, I have made some amendments, including the deletion of the Council's occasional references to *'unless otherwise agreed in writing by the local planning authority'* which is a discretionary element contrary to Government guidance.

19. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition requiring a construction management plan is required in the interests of highway safety, the protection of residents' living conditions and to safeguard the local environment from pollution. Landscaping and tree conditions are in the interests of visual amenity as are conditions relating to samples of external materials and boundary treatments.

20. Conditions in respect of cycle storage, car parking and refuse / storage will have both a safeguarding effect in respect of local amenity and sustainability, with the latter consideration also the subject of its own condition requiring compliance with the statement for the proposed dwelling dated November 2019.

Martin Andrews

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than three years from the date of this Decision;

2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below: OS.001 Rev A; OS.001; EX.000 Rev A; EX.001 Rev A; EX.002 Rev A; EL.001 Rev C; EL.002 Rev D; EL.003 Rev D; EL.004 Rev D; PL.000F; PL001F; PL002F; PL003F; SIT.001 Rev D; SE.001 Rev D; SE.002 Rev C; SE.003 Rev D; SE.004 Rev C; SE.005 Rev E; 19.4090.01; DE.001;

3) Prior to any construction work above the damp proof course of the building, samples of external materials shall be submitted to and agreed in writing with the Local Planning Authority. The development shall take place using the agreed materials;

4) No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-
   (a) Dust mitigation measures;
   (b) Details of best practice measures to be employed to mitigate noise and vibration arising out of the construction process;
   (c) Details of construction traffic movements including cumulative impacts which shall address the following: (i) rationalisation of travel and traffic routes to and from the site; (ii) provision of full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction-related activity; (iii) measures to secure safe pedestrian movement;
   d) Security Management (to minimise risks to unauthorised personnel);
   e) A site management plan including commitments regarding waste management strategies for all waste produced during demolition and construction activities;
   (f) Details of the training of site operatives to fully implement the Construction Management Plan requirements.

   The works shall be carried out in strict accordance with the approved Construction Logistics Management Plan

5) The car parking, cycle storage and refuse / recycling bin arrangements shall be provided, in accordance with details first agreed in writing with the local planning authority, before the dwelling is first occupied and thereafter permanently retained;

6) All planting, seeding or turfing comprised in the landscaping scheme hereby approved and as shown on drawing numbers SIT.001 Rev D; PL.000 Rev F; PL.001 Rev F; PL.002 Rev F; PL.003 Rev F; shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species;

7) The findings and recommendations from the Arboricultural Impact ('A I') Assessment prepared by EnviroArb Solutions Ltd, reference EAS-002-v1, dated 5 December 2019 shall be carried out in full;

8) The A I Assessment notwithstanding, before any works on site are begun, a plan / schedule of works showing the means for retaining the ground levels within the root protection areas ('RPAs') of the central yew tree (T6) and other trees to be retained on the site shall be submitted to and agreed in writing by the local planning authority. The retained trees and their roots within their respective RPAs shall be protected in accordance with the details shown on the approved plan / schedule of works for the duration of excavation works and construction of the house and garden;

9) Prior to any construction work above the damp proof course of the building, a plan showing full details of all boundary walls and fences shall be submitted to and agreed in writing by the local planning authority. The walls and fences shall thereafter be constructed in accordance with the approved details before the dwelling is first occupied;

10) The findings and recommendations of the Sustainability Statement for Planning prepared by MRC Planning, dated November 2019 shall be carried out in full.