



Appeal Decisions

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: 30 March 2021.

Appeal A Ref: APP/C5690/W/20/3250464

Granville House, Granville Park, London SE13 7EA

- 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 Alan Gower against the decision of the Council of the London Borough of Lewisham.
 - The application Ref. DC/19/113790, dated 17 October 2019, was refused by notice dated 30 January 2020.
 - The development proposed is the amalgamation of 5 flats into a single family house with ancillary self-contained disabled annex at basement level together with levelling of the gravelled front drive; construction of a swimming pool at basement level; demolition of existing side extension and rebuild of part two/part three storey side extension; construction of single storey rear extension; construction of a boundary wall on west boundary line; removal of the external staircase on the eastern elevation; repairs to rear windows, roofs, fascias and soffit, at Granville House, Granville Park, SE13.
-

Appeal B Ref: APP/C5690/W/20/3255603

Granville House, Granville Park, London SE13 7EA

- 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 Alan Gower against the decision of the Council of the London Borough of Lewisham.
 - The application, Ref. DC/20/116032, dated 30 March 2020, was refused by notice dated 27 May 2020.
 - The development proposed is the amalgamation of 5 flats into a single family house with ancillary self-contained disabled annex at basement level together with levelling of gravelled front drive; excavation works to construct a swimming pool at basement level; demolition of existing side extension and rebuild of part two/part three storey side extension; construction of single storey rear extension; construction of a boundary wall; removal of the external staircase on the eastern elevation; repairs to rear windows, roofs, fascias and soffit, at Granville House, Granville Park, SE13.
-

Decisions

Appeal A Ref: APP/C5690/W/20/3250464

1. The appeal is dismissed.

Appeal B Ref: APP/C5690/W/20/3255603

2. The appeal is allowed and planning permission is granted for the amalgamation of 5 flats into a single family house with ancillary self-contained disabled annex at basement level together with levelling of gravelled front drive; excavation works to construct a swimming pool at basement level; demolition of existing side extension and rebuild of part two/part three storey side extension; construction of single storey rear extension; construction of a boundary wall; removal of the external staircase on the eastern elevation; repairs to rear windows, roofs, fascias and soffit, at Granville House, Granville Park, London SE13 7EA in accordance with the terms of the application, Ref. DC/20/116032, dated 30 March 2020, subject to the conditions set out in the attached Schedule.

Main Issues

3. The main issues are the same for both Appeals A and B. They are:
 - (i) the effect of the proposal on the character or appearance of the Blackheath Conservation Area ('the CA') and of the host building which is a non-designated heritage asset (NDHA'), and
 - (ii) the effect of the proposal on trees which although not protected by a Tree Preservation Order are considered to contribute to the special historic character and appearance of the CA and provide amenity value.

Background

4. As stated in the headings, the application in Appeal A was submitted in October 2019 and refused permission in January 2020. This was followed by the application in Appeal B, made in March 2020 and refused permission in May 2020. The appeals were lodged in April (Appeal A) and July (Appeal B).
5. Having received the refusal for application ref. DC/19/113790 (the subject of Appeal A), the proposal was amended and supplemented by further information, in particular a revised Arboricultural Impact Assessment ('The AIA') Ref. 03185Rv2 dated March 2020. This formed part of the application in Appeal B.
6. Paragraph 197 of the National Planning Policy Framework 2019 ('the Framework') says that the effect of an application on the significance of a NDHA should be taken into account in its determination. Both appeals include proposals which are inextricably bound up with the major refurbishment of the building for the purposes of reverting to its original use as a single family dwelling from the later sub-division to five flats.
7. This work has been ongoing for some time and when completed I consider that the change of use and repairs will substantially increase the significance of the NDHA. To the extent that the application proposals complement and facilitate the conversion and include the demolition of the 1960's Coach House, I have had regard to paragraph 197 of the Framework in my decisions on the appeals.
8. In reaching my decisions I have also had regard to the letters of support and objection arising from the public consultation, including the objection letter from the Blackheath Society.

Reasons

APPEAL A

9. The appeal scheme includes the demolition of the existing 1960's two storey side extension, referred to as 'the Coach House'. It would be replaced by a part two/part three storey addition more in keeping with the original house and comprising a hidden basement health spa, a two car garage and a large family library room above.
10. Although this would be set back from the host building, the Council considers that because of its height it would be insufficiently subservient to the main building and therefore of a poor design, harmful to the character and appearance of the dwelling and in conflict with the Council's policies. These include DM Policies 30 & 31 of the Lewisham Development Management Plan 2014, which refer respectively to general design requirements and design guidance for extensions.
11. Whilst I understand the criticisms of the detailed design, which are primarily that the front windows and balcony are unsympathetic to the main dwelling, in my view the set-back from the main building and the twin garage doors would in any event emphasise that this is a later side addition.
12. I am not therefore of the opinion that precise replication of the features of the house's front elevation is essential, even allowing for an element of conflict with one of the criteria of DM Policy 31. The replacement of the existing side addition would remove an eyesore that at present completely ruins the appearance of the front of the building. In my judgement such a drastic improvement should weigh in the planning balance and encourage a positive and flexible approach to decision-making where possible, especially in cases where officer / applicant negotiation to resolve matters has not taken place.
13. Nonetheless, it is important that to achieve the appropriate subordination to the existing dwelling, the extension should not be of excessive height. From Drawing No. 1077/5 it is clear that the vertical gap between the dwelling's eaves and the extension's parapet wall is too small, whilst its height just above the cill level of the second floor windows appears somewhat incongruous for an addition that is intended to read as first floor accommodation.
14. The Council also says that the addition would block views to the rear and the horizon beyond, but given the dwelling's context of mature trees to the front, side and rear I do not consider that the setting would be compromised as claimed. With that said, for the reasons explained I consider that the proposed side addition would be insufficiently subservient to safeguard the appearance of the building, especially bearing in mind its status as an NDHA. There would also be harm caused to the appearance of the conservation area and overall, a conflict with the Council's DM policies (DM 30, 31, 32, 36 & 37); Policies 15 & 16 of the Lewisham Core Strategy 2011; Policies 7.4 'Local Character' & 7.6 'Architecture' of the London Plan 2016 as since incorporated in the 2021 version, and Government policy in Section 16: 'Conserving and Enhancing the Historic Environment' of the Framework.
15. As indicated in the officer's report, there are other matters of concern to the Council, both in relation to the alterations to the dwelling itself and in respect of the effect on trees. However, I am satisfied that for the reason explained,

the proposal in Appeal A is unacceptable. And although in respect of the conservation area the harm would be less than substantial, it would not be outweighed by any public benefit.

16. In a situation where the appellant has a 'fall back' proposal that seeks only to slightly amend the first application and to provide more information as to the effect on trees, the other matters of concern to the Council are more appropriately addressed as part of my appraisal of Appeal B.
17. For the reasons explained, Appeal A is dismissed.

APPEAL B

18. Turning firstly to the side extension, the height of the building has been lowered and addresses the reservations that I expressed in Appeal A. The reduction in height is modest but the proposed extension now reads as an addition to the basement, ground and first floor levels of the original building rather than as reaching a more arbitrary height. This has been achieved by lowering the internal ceiling heights. Whilst a further reduction would achieve greater subordination, any intermediate height between that proposed and the top of the garage would appear incongruous and require fenestration far more out of character than that criticised by the Council. Nor would it provide useable internal space.
19. The only other alternative, an extension comprising only the basement and ground floor, would appear far too small and squat to read as a coherent design for a house of this scale and status. As regards the other matters raised in respect of this addition, my comments under Appeal A again apply.
20. In respect of the proposed rear extension, this is in the form of an orangery and is considered by the Council to be unsympathetic to the appearance of the rear of the house. In particular, it is considered that the height would be excessive, with the dual pitched roofline reaching the cill levels of the ground floor windows and the ridge having no symmetry and coherence with the fenestration pattern on the rear elevation of the dwelling.
21. My interpretation of the Council's view is that the extension has been assessed as a conventional rear addition to the dwelling, whereas an orangery would be quite different - a cross between that description and a conservatory. It would display the characteristics that are typical of an orangery, namely extensive glazing between brick pillars for the three external walls and a fully glazed pitched roof to allow natural light to 'flood' the internal space.
22. As effectively a garden room but with more functionality, the orangery is necessarily more individualistic in terms of its design, albeit that it will be important to ensure the brickwork respects the appearance of the external walls of the house and the side addition. The proposed design and modest width in this case would give the orangery a Victorian appearance, but appropriately restrained rather than grandiose. And with its position at basement level, I consider that the proposed structure's effect on the dwelling would be modest, but other than that one of enhancement rather than harm as the Council suggests.
23. On the second issue of the effect on trees, the Council's particular concern relates to mature trees T2 (Oak) and T3 (Sycamore) in the front courtyard, close to the basement extension and T5 (Lime) at the rear in the vicinity of the

proposed orangery. As part of the application in Appeal B, the AIA has been updated with further information and recommendations.

24. In respect of the orangery, due to the ground level falling steeply away at the rear of the house it is proposed to build a concrete 'floating raft' foundation, to be constructed above ground level. In respect of protection for the oak and sycamore, the underground extension to the front of the garage has been re-designed to reduce its projection to 5m and would now be 7.15m away from the nearest tree.
25. Moreover, I saw on my visit that a 1.5m deep hand-dug trench along the front wall of the extension has not uncovered even the smallest tree roots. And it seems likely that the roots predominate on the Blackheath side of the trees where the ground is at the same level as the tree base and growing conditions are more favourable.
26. The AIA includes a detailed specification for the precautionary and remedial treatment of the ground as a result of the construction of the Orangery, the building of the front section of the basement and the raising of the land level of the access and parking area to enable the new garage to be fully used. I understand that because of Covid-19, Council planning officers and tree officers have been unable to attend the site for inspections pursuant to the second application and supply final comments on the updated AIA.
27. Nonetheless, from all that I have seen and read I conclude on this issue that no harm would be caused to the trees in conflict with DM Policy 25; Core Strategy Policy 12; Policy 7.21 of the London Plan as incorporated into the 2021 publication, and Section 15: 'Conserving and Enhancing the Natural Environment' of the Framework. The character and appearance of the CA and the NDHA would be at least preserved.

Conclusions and Conditions (Appeal B)

28. For the reasons explained above and in particular my favourable conclusions for the appellant on both main issues, the appeal is allowed. In allowing the appeal I shall impose conditions.
29. 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 adherence to the Arboricultural Impact Assessment will safeguard the three trees most affected by the development from short and long term harm. Finally, a condition on samples of materials will ensure that the alterations and additions to Granville House will preserve the character and appearance of the building and the conservation area.

Martin Andrews

INSPECTOR

Schedule of Conditions

Schedule of Conditions

- 1) The development shall begin not later than three years from the date of this Decision;
- 2) The development shall be carried out in accordance with the following approved plans: O.S Site Plan & Drawing Nos. 1007/1A; 1007/2A; 1007/3; 1007/4; 1007/6A; 1007/7A; 1007/8; 1007/9; 1007/10; 1007/A; 1007/B; 1007/D; 1007/E; 1007/F; 1007/G; 1077/C; 1077/5A; 250276;
- 3) The development shall be carried out in full accordance with the recommendations of the Arboricultural Impact Assessment Ref. 03185Rv2 dated March 2020, as further informed by the undated 'Letter in Support of the Planning Appeal' supplied by the appellant as a 'Final Comment' in the appeals process;
- 4) Before commencement of development, samples of external materials for the proposed extensions and for the materials of the proposed driveway and external car parking area shall be first submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.