



Appeal Decision

Site visit made on 11 May 2021

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2021

Appeal Ref: APP/C5690/D/20/3264788

13A Tressillian Crescent, London SE4 1QJ

- 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 Michael Hale against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/116620, dated 4 May 2020, was refused by notice dated 17 September 2020.
 - The development proposed is a single storey rear extension, replacement front door and all windows, new roof light and replacement of garage door with timber louvred doors.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the application was determined, the London Plan 2021 has been adopted ('LP'), and the policies from the London Plan 2016, which were referred to in the Council's decision, are now superceded. The principal parties were given an opportunity to comment on the LP during the appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the living conditions at 13 and 15 Tressillian Crescent, with particular regard to outlook; and
 - The character and appearance of the host property and the area, including whether it would preserve or enhance the character or appearance of the Brockley Conservation Area.

Reasons

Living conditions

4. DM Policy 31 of the Lewisham Development Management Local Plan 2014 ('LDMLP') sets out, amongst other things, that extensions should result in no significant loss of amenity to adjoining houses and their back gardens.
5. Further advice is contained in the Lewisham Alterations and Extensions Supplementary Planning Document 2019 ('LASPD'). This sets out at section 4.2 that rear extensions can be overbearing for neighbours, and that they should generally be no more than 3 metres deep on terraced properties. It continues that an acceptable height on the boundary will depend on a number

of factors including the extension's length and context, and the width of neighbouring gardens, but that those over 2.5 metres high are unlikely to be supported.

6. The attached properties at 13 and 15 Tressillian Crescent have long but narrow gardens. Contrary to what is set out at paragraph 5.8 of the appellant's statement, No 15 has a ground floor window rather than a door closest to the common boundary, and a glazed door and associated windows beyond. The rear face of No 13, which is slightly recessed, has a ground floor window, which is set in slightly from the boundary. It serves the kitchen area of a larger open plan space, which is also lit by a set of rear-facing sliding doors.
7. Unlike the shorter conservatory it would replace, the proposed rear extension would abut both side boundaries. According to the appellant it would be 5 metres deep and would have a maximum height of 3.2 metres. At that height and depth, and given the limited width of the neighbouring properties and their gardens, the rear extension would significantly restrict the outlook from No 13's and No 15's closest ground floor windows. As those windows serve habitable rooms, the significantly increased sense of enclosure within them would impact those occupiers' living conditions to a harmful degree.
8. In his Design Statement the appellant refers to application ref DC/18/107281 at 11 Tressillian Crescent. Although I could glimpse an extension to the rear of that property on my visit, I have no details of it, nor its exact relationship with adjacent properties.
9. For the above reasons this scheme would conflict with LDMLP DM Policy 31, along with the general stance in Policy 15 of the Lewisham Core Strategy 2011 ('LCS') which requires high quality design that is sensitive to local context. It would also conflict with the guidance in the LASPD.

Character and appearance

10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
11. The appeal site, and much of the surrounding area falls within the Brockley Conservation Area ('BCA'). As noted in the Brockley Conservation Area Supplementary Planning Document 2005 ('BCASPD'), the houses here are in a variety of styles. However, I observed that they are often substantial, set amongst trees and other landscaping, and that many display features typical of their era, including ornate detailing and bay windows. These characteristics, and the predominant colour scheme of yellow brick with white or cream coloured windows, cills and lintels, contribute to the BCA's attractive sense of cohesion.
12. In that context, the small terrace of houses from 9 to 15B (odds) Tressillian Crescent stands out as more contemporary and modestly proportioned, with less architectural detailing. However, the houses reference their context through elements such as their yellow brickwork; and although many of their original timber framed windows have been replaced with uPVC, through their white frames and glazing bars. This helps to provide a sense of cohesion to the terrace, and aids its assimilation into the wider streetscene.

13. The scheme includes the replacement of the host's white uPVC framed windows with grey aluminium framed windows of a slimmer design – similar in their proportions to those to the rear of No 13; along with grey zinc panels to replace the red ones, and timber louvred doors instead of the garage doors.
14. However, whilst this would give the host property itself a fairly consistent appearance, the proposed grey colouration on the front of this property would detract from the cohesion of the terrace as a whole, as would the absence of central glazing bars in its windows.
15. A rooflight is also proposed on the front elevation. Whilst there are no other front-facing rooflights on this terrace, there are some in the area. This rooflight would be small and very high up, where it would be barely apparent in the streetscene. Consequently, notwithstanding the BCASPD's stance that front roof lights are unacceptable due to their intrusive impact, this feature in this unobtrusive location would harm neither the host, nor the area.
16. Nevertheless, notwithstanding the other alterations that have been carried out to the front of this terrace, and the variety of window materials in the BCA, in detracting from the cohesive appearance of this terrace the proposed grey colouration, and the window design to the front of this property would harm the character and appearance of the area. In harming this part of the BCA, the scheme would harm the designated heritage asset as a whole.
17. In general terms, and amongst other things, LCS Policies 15 and 16; and LDMLP DM Policies 30, 31 and 36 seek site specific, high quality design, which conserves and enhances the borough's heritage assets, and avoids unsympathetic alterations which may cumulatively harm a building's appearance, whilst considering the wider public benefits which may flow from the development. LP policies D3 and HC1 adopt a broadly similar stance.
18. Those development plan policies accord with the approach in the National Planning Policy Framework ('Framework') which supports high quality design and requires development to be sympathetic to local character whilst not preventing appropriate innovation or change. It gives great weight to the conservation of designated heritage assets, but continues that where the harm caused would be less than substantial, as would be the case here, it should be weighed against the public benefits of the proposal, including securing the asset's optimum viable use.
19. The proposal would improve the living conditions within the host property, as a result of some additional light owing to the slimmer window frames, and the increased internal space and improved connectivity to the garden. However, these are very modest public benefits.
20. On this issue, the scheme would thus conflict with the above development plan policies and with the Framework, along with the requirements in the LASPD which notes that window design can disrupt the rhythm of the streetscene, and with the advice in the BCASPD that even minor alterations can damage the overall appearance of the conservation area.

Planning Balance and Conclusion

21. Summing up, the proposal would significantly harm the living conditions at 13 and 15 Tressillian Crescent; and it would fail to preserve or enhance the

character and appearance of the BCA. The scheme's very modest public benefits would not outweigh the significant harm that it would cause.

22. The scheme would conflict with the development plan when considered as a whole, and having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR