
Appeal Decision

Site visit made on 17 May 2021

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021.

Appeal Ref: APP/E5330/D/20/3261942

76 Foyle Road, Blackheath, SE3 7RH

- 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 Edward Hadlow against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 20/1469/HD, dated 23 May 2020, was refused by notice dated 5 August 2020.
 - The development proposed is the erection of a dormer window on rear roof and relocation of existing Velux window, and replacement of the roof of the rear wing with a flat roof behind the existing brickwork facade.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dormer window on rear roof and relocation of existing Velux window, and replacement of the roof of the rear wing with a flat roof behind the existing brickwork facade at 76 Foyle Road, Blackheath, SE3 7RH in accordance with the terms of the application, Ref 20/1469/HD, dated 23 May 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and Drg Nos 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10 and 11.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. Since the date of the decision The London Plan 2021 (LP 2021) was published on 1 March 2021 and is now part of the development plan. The Council's decision notice referred to Policies 7.4 and 7.6 of The London Plan 2016 (LP 2016), which are now superseded. The Council was invited to express their views on the LP 2021 insofar as it relates to the appeal.

Main Issues

3. The main issues are the effect of the proposal on: - (i) the character and appearance of 76 Foyle Road as a locally listed building, and the Westcombe Park Conservation Area, and (ii) the living conditions at 74 Foyle Road with specific regard to privacy.

Reasons

Character and Appearance

4. The appeal property is a three-storey, semi-detached dwelling with a basement. Together with Nos 74 and 78 it forms a small group that are each locally listed, recognised for the quality of their architecture as late 19th Century homes with specific details including their use of yellow stock brick with red brick dressings, slated roofs with gables, decorative ridge tiles and projecting bay windows to ground and first floors. They sit within the wider Westcombe Park Conservation Area (CA). From the evidence before me, including from my own observations and from the Council's published *Westcombe Park Conservation Area Character Appraisal March 2010*, the significance of the CA as a heritage asset lies in the distinctive range and architectural quality of the predominantly two and three-storey Victorian and Edwardian dwellings.
5. The appeal proposal includes two distinct changes. Firstly, the replacement of the shallow pitched roof over an existing full height rear outrigger with a flat roof and guard rail, and secondly the construction of a rear dormer to the main roof slope.
6. The Council has described the new flat roof as a roof terrace, which they say would not be a typical feature for the CA. The proposal is not for a terrace that would be readily accessible for outdoor socialising. The proposed change has been explained by the appellant as desirable for roof maintenance purposes. Access from inside the dwelling would be gained via a proposed small roof light. In addition, the appellant has demonstrated, with photographic evidence, that flat roofs over rear outriggers are fairly commonplace within the CA, including to the rear of properties directly opposite the appeal site in Foyle Road and other examples along Westcombe Park Road, some of which were visible to me in views from the rear of the appeal property. Whilst pitched roofs are characteristic for the area when buildings are seen from the public domain, it is evident to me that both pitched and flat roofs are characteristic for the rear elevations that are largely out of sight other than from neighbouring properties. The proposed flat roof would not be an alien feature in the locality.
7. The proposal would include a balustrade to the open sided face of the proposed flat roof. This would extend up above the side wall of the outrigger. However, as a glazed feature it would be lightweight and not at all intrusive, especially given its elevated position, where it would be seen in the partial outlook from only a limited number of nearby properties. I am also mindful that the rear elevation of the outrigger would be unaltered. The gable end that is shared with the mirroring outrigger to No 74 would be retained. As a consequence, from the rear of other nearby properties the flat roof would be entirely screened giving the impression of a retained pitched roof. My impression is

that the proposed change would have little impact upon the overall form of the dwelling, the main roof pitch being unaltered, as would the principal features of the roof that are identified as contributing to the building's special character.

8. The proposed dormer would be small and traditionally formed. The Council suggest that dormers which break through the eaves line are uncharacteristic. However, there are several examples of such dormers elsewhere within the CA as again demonstrated by the appellant's photographic evidence. Many of these are to the front elevations of the respective dwellings and some were evident to me during my visit. The size and position of the proposed dormer would not be alien to the CA. Moreover, the dormer in this instance would be to the rear and would be seen only from the rear of some nearby dwellings where it would sit comfortably within the context of the property's rear elevation. The 'Juliet-balcony' referenced by the Council would merely be a glazed balustrade that would be flush with the wall and largely inconspicuous. I am satisfied that the dormer window would not materially affect the integrity of the building's original design.
9. Overall, I am satisfied that the pitched roof form of the original building would remain principally unaltered, as would its height, scale, and visual interest. In this regard I detect no conflict with guidance for roof extensions/loft conversions in the Council's *Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document 2018* (SPD), including where it addresses conservation matters. None of the dwelling's identified distinctive features would be affected by the proposals. As such, I am satisfied that there would be no harm to the character or appearance of the appeal property and that the building's significance as a non-designated heritage asset would be unaffected. It follows that there would be no impact upon the quality of the local townscape and therefore no harm to the character or appearance of the CA, the significance of which as a heritage asset would be similarly unaffected.
10. Based on my findings the proposal would accord with Policy DH1 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (July 2014) (the Local Plan) which, amongst other things, seeks development that provides a positive relationship between the proposed and existing urban context. It would also accord with Local Plan Policy DH(a) which requires residential extensions to be limited to a scale and design appropriate to the building and locality and with Policies DH(h) and DH(j) which relate to conservation areas and locally listed buildings respectively, and Policy DH3 which relates to heritage assets. LP 2016 Policies 7.4, 7.6 and 7.8, which are referred to in the first two reasons for refusal, have been superseded and are not relevant. The Council has not drawn my attention to any relevant policies within the LP 2021.

Living Conditions at 74 Foyle Road

11. The Council is concerned that there would be opportunity to look from the new flat roof area through a rooflight that has been inserted on the rear roof slope of No 74 and into the neighbours' converted loft space. Given the limited access to the flat roof, I am not persuaded that this space would be actively used for outside recreation. Moreover, there is no evidence to show how such overlooking of the neighbours' living space could occur. In my judgement the capability to do so would be seriously hampered by the angles of view that

would be involved. Furthermore, I am mindful of a letter of support written by the occupiers of No 74 who are content with the proposals and favour the scheme in order to assist maintenance of their own roof.

12. I am satisfied that there would be no unacceptable impact upon the living conditions at No 74 with regard to privacy. In this regard the proposal would accord with the guiding principles of the SPD and Local Plan Policy DH(b). Policy 7.6 of the LP 2016 is no longer relevant.

Conditions

13. A condition specifying the relevant plans is necessary as this provides certainty. In the interests of maintaining the character and appearance of the area a condition is required to control the external materials to be used.

Conclusion

14. For the reasons given, I find that there would be no harm to the character or appearance of 76 Foyle Road as a locally listed building, the Westcombe Park Conservation Area, or the living conditions at 74 Foyle Road. In the absence of any other conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR