The Planning Inspectorate

Appeal Decision

Site visit made on 14 June 2021

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal Ref: APP/E5330/D/21/3268314
29 Ulundi Road, Blackheath, London SE3 7UQ

- 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 Max Davies & Kate Brien against the decision of the Council of the Royal Borough of Greenwich.
- The application Ref 19/4359/HD, dated 23 December 2019, was refused by notice dated 13 November 2020.
- The development proposed is enlargement and alteration of the existing basement floor and internal alterations to ground floor.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to policies from the London Plan (2016). However, since the decision was made this plan has been replaced by the new London Plan, published in March 2021, which includes different policies. The policies relevant to this appeal in the previous plan are strategic policies dealing with design and heritage matters. As such, I consider that there would be no prejudice to any parties' interests were I to rely for the purposes of this appeal on the local policies and guidance referred to by the Council, which address the same matters.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Westcombe Park Conservation Area in which the appeal property is located.

Reasons

4. The Westcombe Park Conservation Area comprises residential roads to the east of Greenwich Park. The *Westcombe Park Conservation Area Character Appraisal* (CACA) says that the area is characterised predominantly by two and three storey Victorian and Edwardian houses which follow the contours of the landscape and which display a great richness and complexity of architectural detailing. Domestic front gardens with trees, hedges and shrubbery and a

number of mature street trees make a significant contribution to the character of the area.

5. Ulundi Road comprises good quality late-Victorian paired, terraced and detached villas retaining much original character. No 29 is a two storey property with a partial basement, within a terrace of similar properties running from Nos 27 to 39. The appeal property's original built form and detailing, together with its front garden, make a positive contribution to the conservation area in accordance with the CACA.

6. Policy DH1 of the Royal Greenwich Local Plan: Core Strategy and Detailed Policies (2014) (CSDP) requires a high quality of design in new development, while Policy DH(a) includes the requirement that residential extensions, including basements, should be limited to a scale and design appropriate to the building and locality. Policies DH3 and DH(h) require the protection and enhancement of heritage assets, including conservation areas.

7. The *Residential Extensions, Basements and Conversions Guidance* Supplementary Planning Document (SPD) provides guidance to support these development plan policies. It says that basement development can impact on both the character and appearance of the existing or proposed house and neighbouring properties. The external appearance should be sensitively designed to respect the house and respond positively to the character of the area, the streetscape, landscape and surrounding heritage assets. Features such as light wells, railings and steps must be sensitively designed and discreetly located. Where basements are not a traditional feature of the street, proposals for basements with light wells to the front of the house will normally be refused. The most appropriate location for light wells is to the rear of the property immediately adjacent to the rear elevation[1].

8. No 29 already has stairs and a door to the existing basement and while the proposal includes a bay window to the extended basement, the principal visible additions to the front of the property would be the light well and railings. Well-planted front gardens are a feature of this part of Ulundi Road, reflecting the wider character of the conservation area, as indicated in the CACA. There are limited examples of front gardens being paved, contrary to the general verdant character of the area. As such, the unaltered built form and planted front gardens give a strong degree of uniformity to the terrace of which No 29 is part.

9. The exception to this is No 27 adjoining the appeal property, which is the only example of a basement that includes the features proposed in this case, notably the railings extending above the basement level and front boundary wall. As such, while properties in the street may include basements, light wells and railings to the street frontage are not characteristic of this part of the conservation area.

10. The basement at No 27 gives a good sense of the likely effects of the proposal. Despite the retained planting to the front boundary, the railings in particular are prominent both in their own right and particularly in contrast to the other properties which do not include this later addition. Given the strong degree of

[1] Paragraphs 6.11 – 6.19.

visual uniformity that otherwise exists across the terrace the railings appear as an incongruous and uncharacteristic addition.

11. The appeal property includes a well-planted bed underneath the ground floor bay window and a smaller bed adjoining the boundary wall. The larger bed would be replaced by the light well, while the smaller one would be extended. Despite any additional planting to the front boundary, the loss of the larger bed and planting, together with the appearance of the railings, would similarly be uncharacteristic as with the existing changes to the neighbouring property. Any supplementary planting to the front boundary would not be sufficient to screen fully the changes to the front garden. Moreover, in my view the addition of the light well and railings would be likely over time to lead to pressure for similar changes at other properties, thereby further eroding the original character and appearance of this part of the conservation area.

12. I have had regard to the approval in 2007 of a similar basement extension to the current one proposed at the appeal property[2]. I note also the appellants' contention that there has been no change to the conservation area since that time and, therefore, both this previous permission and the approved extension at No 27 effectively create a precedent for the current proposal. However, since the approval of both schemes there has been a material change to the policy and guidance that governs the consideration of such proposals. In particular, the previous approvals predate the publication of the SPD in late 2018, which provides clear and specific guidance on basement development that, for the reasons given above, is directly relevant to the current proposal.

13. I acknowledge that this proposal does not involve a loss of garden to hardstanding for parking or other purposes, which is identified as a potential threat in the CACA; and that the CACA does not mention basement-related development as a threat to the character of the conservation area. However, this does not mean simply by omission, or the fact that the Article 4 Direction referred to has not been put in place, that such development cannot be harmful to the character of the area, particularly when the CACA recognises that domestic front gardens make a significant contribution to the character of the area. I give limited weight to the appellants' argument that there is no statutory or other protection to prevent them or other residents from paving over their gardens, as there is no evidence to suggest that this will occur. Furthermore, I am required to determine the appeal on the basis of the physical circumstances pertaining at the time. Accordingly, the existence of these approved schemes does not provide a direct precedent for the current proposal, which I have considered on its individual merits against current circumstances, policy and guidance, and found to be harmful.

14. Therefore, for the above reasons, I find that the proposal would fail to preserve the character and appearance of the Westcombe Park Conservation Area. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation[3]. Based on the above findings, I consider the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.

[2] Reference 07/2728/F dated 21 December 2007.
[3] Paragraph 193.

15. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal[4]. I acknowledge that the appellants wish to create more living space through the proposed alterations. However, in this case these matters relate to a private rather than a public benefit in terms of the property's occupation and use. Therefore, this is not sufficient basis to outweigh the harm that has been identified.

16. Accordingly, for the reasons given, I conclude that the proposal would not preserve the character or appearance of the Westcombe Park Conservation Area. Consequently, it is contrary to Policies DH1, DH3, DH(a) and DH(h) of the CSDP and to the SPD, as described above. The proposal is also contrary to section 16 of the Framework.

17. In reaching this conclusion I am particularly mindful of the statutory requirement that in exercising planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area[5].

Other Matters

18. I have had regard to the representation made by an interested party, which is generally supportive of the proposal but which raises a number of detailed questions about its implementation. This does not, however, raise any matters in addition to those already considered that would lead me to reach a different overall conclusion.

Conclusion

19. For the reasons given above it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR

[4] Paragraph 196.
[5] Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.