

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/21/3271031

9 Manorbrook, Blackheath SE3 9AW

- 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 Carl Verges against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 20/0679/HD, dated 26 February 2020, was refused by notice dated 11 January 2021.
 - The development proposed is erection of a two-storey side extension and new front porch. Excavation of basement level. Alterations to fenestration.
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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 However, since the decision was made this plan has been replaced by the new London Plan, published in March 2021, which includes different policies.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 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 Blackheath Park Conservation Area in which the appeal property is located.

Reasons

4. The Blackheath Park Conservation Area comprises predominantly residential roads to the north of Blackheath Park. The *Blackheath Park Conservation Area Appraisal* (CAA) says that the special significance of the area comes from the quality and diversity of its housing, ranging from grand Georgian and Victorian villas to compact flats. The appeal site is part of the Castor Estate South, which has a secluded and verdant character. Manorbrook, a short spur running
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- off Manor Way, is consistent with this wider character due to its varied house types and well landscaped gardens.
5. The appeal property is a small detached late twentieth century cottage towards the end of Manorbrook. Its appearance makes a neutral contribution to the conservation area, while its character is in keeping with the variety of property types and sizes. In particular, as smaller dwellings the appeal property and the nearby Radnor Cottages contrast with the larger detached dwellings at the end of Manorbrook as well as No 7, neighbouring the appeal site. As such, the property positively contributes to the area's character as set out in the CAA.
 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) concerns residential extensions, including the requirement that proposals for side extensions (and 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 side extensions should accurately reflect the style of the main house and remain secondary in size and appearance; and that the ridge height of the roof of a side extension should be set below the existing ridge height to ensure the extension is secondary to the original house. Also, side extensions should be set back from the front wall of the dwelling and less than half the dwelling's width. With regard to conservation areas, the SPD says that small side extensions may be acceptable where they do not dominate. They must respect the original architectural features and detailing of the dwelling and the use of appropriate materials is particularly pertinent¹.
 8. The proposed side extension would comply with this guidance with regard to its use of materials, its width and its set back from the existing front elevation. However, the roof form would continue that of the existing dwelling, with no set down from the existing roof ridge, contrary to the SPD. As such, it would add substantive bulk to the modest dwelling and would not appear secondary in size and appearance.
 9. With regard to dormers, the SPD says that these are acceptable to the rear of the house and may be acceptable to the side, but they should be small scale and the windows should be of an appropriate design considering the other windows in the house. In conservation areas the guidance requires that the number of dormers must not dominate the roof and detract from its character and appearance. The position of dormer windows should relate to the window layout of the house².
 10. The three new dormers would be set down from the roof ridge and up from the eaves. However, they would not respect the scale of the existing windows in the dwelling, notably the two retained windows in the front-facing gable, which are materially smaller than the proposed dormers. Moreover, the three

¹ Paragraphs 5.26 – 5.29.

² Paragraphs 5.46 – 5.48.

dormers would cover much of the original and extended roof slope and so due to both their extent and relationship with the retained windows, would appear as a dominant feature, which would harmfully upset the scale and proportions of the original dwelling. Taken together, therefore, the extended roof and proposed dormers would be incongruous and uncharacteristic changes that would not respect or be subservient to the original built form of the host dwelling, contrary to the SPD.

11. The SPD says that basements should generally be limited to the footprint of the host building in order to remain subordinate in scale. Basements larger than the footprint of the original house are more likely to cause harm to the natural or built environment. 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 elevation³.
12. The plans show the basement habitable rooms at just over 75m², which is materially larger than the footprint of the original dwelling. Two walk-on rooflights are proposed to the side and a larger one to the front of the dwelling, and it is not apparent that basements with rooflights are a traditional feature at properties along Manorbrook. As such, the walk-on rooflights, particularly that to the front of the appeal property, would represent an incongruous addition to this part of the conservation area, contrary to the guidance in the SPD.
13. I acknowledge that the location of the side extension is not prominent in views from Manorbrook. However, the effects of development within a conservation area are not dependent on such views being readily available. Moreover, the proposed alterations would be visible from the side windows of the neighbouring property, No 7, from which the uncharacteristic and incongruous changes would be apparent. While the current occupants of this property might not have objected, the permanent effects of the proposal within the conservation area need to be considered in the long-term.
14. I have had regard to the approval in 2014 of a development proposal similar to the current one at the appeal property⁴. However, this predates the publication of the SPD in late 2018, which provides clear and specific guidance that, for the reasons given above, is directly relevant to the current proposal. As such, the basis for considering the current proposal is different to the circumstances pertaining at the time of the earlier decision. This is also the case with most of the other approved residential alterations and extensions within the conservation area that the appellant draws attention to. These largely pre-date the SPD and involve forms of development that are not the same as proposed here. Furthermore, the existence of these approved schemes does not provide a direct precedent for the current proposal, which I have considered on its individual merits and found to be harmful.
15. Therefore, for the above reasons, I find that the proposal would fail to preserve the character and appearance of the Blackheath Park Conservation Area. The

³ Paragraphs 6.11 – 6.19.

⁴ Reference 14/0356/F dated 17 November 2014.

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 conservation⁵. Based on the above findings, I consider the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.

16. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal⁶. I acknowledge that the appellant wishes to create more living space and the contention that the principle of development accords with the Framework's advocacy of efficient use of land and optimising the potential of a site. 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.
17. Accordingly, for the reasons given, I conclude that the proposal would not preserve the character or appearance of the Blackheath 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.
18. 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 area⁷.

Other Matters

19. I note and share the Council's concerns that an assessment has not apparently been undertaken, or mitigation proposed, for the effects of the proposal on the root protection area of trees within the appeal site. As such, there is no guarantee that the proposed development would not have a harmful effect on these trees, contrary to the provisions of Policy OS(f) of the CSDP which, amongst other matters, requires an appropriate level of survey to enable decisions to be made about the existing trees on the site.
20. I have had regard to the representations made by interested parties both for and against the proposed development. These do not, however, raise any matters in addition to those already considered that would lead me to reach a different overall conclusion.

Conclusion

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

J Bell-Williamson

INSPECTOR

⁵ Paragraph 193.

⁶ Paragraph 196.

⁷ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.