



Appeal Decision

Site visit made on 24 June 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2021

Appeal Ref: APP/A5840/D/20/3258380

The Old Rectory, Liverpool Grove, London SE17 2HH

- 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 J Maugham against the decision of the Council of the London Borough of Southwark.
 - The application Ref 20/AP/1190, dated 24 April 2020, was refused by notice dated 31 July 2020.
 - The development proposed is the erection of garden wall with lean-to greenhouse and conservatory, and refurbishment of stairs down to garden, landscaped terraces along the east elevation, and a new gate/access to the garden from the side of the front entrance.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to the London Plan (2016); the 2021 version has since been published (LP). I shall have regard to this policy context in the determination of the appeal.
3. The Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021. Whilst I have had regard to the revisions, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the changes to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the property, the Liverpool Grove Conservation Area (LGCA) and the setting of the Grade I listed building at St Peter's Church.

Reasons

5. The appeal site is situated adjacent to the main entrance of St Peter's Church. The proposal would be located in the rear garden of the property, which lies at the western end of the church yard.

6. Lying within the LGCA and the setting of the listed building, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and the setting of the listed building, as required by the Planning (Listed Buildings and Conservation Areas) Act 1990.
7. The LGCA's character is derived from the cohesion of the buildings, consisting mainly of Arts and Crafts two-storey terraced cottages and three-storey tenement flats. The conservation area appraisal states that St Peter's Church lies at its heart, providing a striking introduction to the neighbourhood when approached from Walworth Road.
8. There are a processional series of changes that naturally develop from harsh urban character that dominate around Walworth Road with a refuge St Peter's Church and Trafalgar Gardens beyond. The church yard itself combines two functions: an alternative pedestrian route to Liverpool Grove and a quiet sitting-out place for residents. In the second function it links the formality of the public church building with the private domesticity of the dwellings.
9. The appeal proposal incorporates a number of elements; principally a garden wall with lean-to conservatory and greenhouse to either side, new stairs to the garden and landscaped terraces.
10. I accept the principle of the appellant's intention to re-create the formal setting of the frontage of the Grade I listed church, by introducing rectangular gardens that would restore the geometry and symmetry of the space. However, the cumulative effect of the conservatory and greenhouse, with the staggered relationship either side of the brick wall, would appear discordant and over-engineered in close proximity to the boundary with the church yard. The brick wall in particular would, by virtue of its height and length, represent a dominant and intrusive element of a scale that would be injurious to the character and appearance of the conservation area and the setting of the listed building.
11. I recognise that planting could soften the various elements to a degree. Nevertheless, given the scale and height of the proposals in close proximity to the boundary, the screening would need to be of a height and density that of itself would look unusual or out of place in the locality. I am also aware that the position of the scheme would not hinder views of the church from the public realm of the conservation area, materials would match those in the facade of the church, and that the scheme would safeguard privacy and activity within the garden of the appeal property. However, these matters would not outweigh the harm that I have identified above.
12. While the resultant harm would be less than substantial, the appeal proposal would nevertheless fail to preserve and enhance the character and appearance of the property, the LGCA and the setting of the Grade I listed building at St Peter's Church. The National Planning Policy Framework (the Framework) states that when considering the impact of a development on the significance of designated heritage assets, great weight should be given to the asset's conservation. The harm to the conservation area and the setting of the listed building would be less than substantial yet any public benefits, for example in the form of the re-creation of the formal setting outlined above, do not outweigh the harm identified. This is a matter to which I give considerable importance and weight.

13. I note that the Council does not appear to object to the new stairs from the dwelling to the garden or the stone steps from the north elevation, and I have no reason to disagree. Both would be of a scale and design that would be appropriate to the host property and surrounds.
14. I conclude on this issue that the proposal would have an harmful impact on the character and appearance of the property, the LGCA and the setting of the Grade I listed building at St Peter's Church. It would conflict with policies 3.12, 3.13, 3.15, 3.16, 3.17 and 3.18 of the Southwark Plan 2007, strategic policy 12 of the Southwark Core Strategy April 2011 and D4 and HC1 of the LP. Together these require development to achieve high quality urban design and to preserve or enhance the special interest or historic character or appearance of buildings or areas of historical significance. The appeal scheme would also be inconsistent with the Framework, which states that good design is a key aspect of sustainability and requires new development to make a positive contribution to local character and distinctiveness.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

C Hall

INSPECTOR