



Appeal Decision

Site Visit made on 19 July 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2021

Appeal Ref: APP/C5690/W/20/3252615

St Mildred's Church and Hall, St Mildred's Road, Lee, London SE12 0RA

- 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 The Parochial Church Council (PCC) of the Ecclesiastical Parish of St. Mildred's, Lee against the decision of London Borough of Lewisham.
 - The application Ref DC/19/112087, dated 26 April 2019, was refused by notice dated 25 November 2019.
 - The development proposed is demolition of church hall; erection of replacement church hall and community space with reordering proposals including solar panels to St. Mildred's Church; parking and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of church hall; erection of replacement church hall and community space with reordering proposals including solar panels to St. Mildred's Church; parking and associated works at St Mildred's Church and Hall, St Mildred's Road, Lee, London SE12 0RA in accordance with the terms of the application, Ref DC/19/112087, dated 26 April 2019, subject to the conditions detailed in the attached schedule.

Applications for costs

2. An application for costs was made by The Parochial Church Council (PCC) of the Ecclesiastical Parish of St. Mildred's, Lee against London Borough of Lewisham. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the submission of the appellant's appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and comments received have been taken into consideration.
4. I note that some amended plans and details have been submitted with this appeal that were not part of the original decision by the Council. The Council and other parties have had an opportunity to comment on these amended plans and details. I do not consider any parties have been prejudiced by the submission of these additional details and I have therefore considered them as part of the appeal.

Main Issues

5. The main issues are the effect of the proposal on (i) the character and appearance of the St. Mildred's Church and the surrounding area, and (ii) trees.

Reasons

Character and appearance

6. The area surrounding the appeal site is characterised predominantly by residential properties of mixed styles including terraced, semi-detached, detached and flatted developments. The appeal site sits amongst this close knit residential urban fabric with mature trees scattered around the boundaries of the site.
7. St. Mildred's Church (the Church) sits within the site and is a well preserved Victorian Gothic Revival church which, for historic and architectural interest, was locally listed in March 2020 as a non-designated heritage asset. The existing church hall, which was constructed around the 1960's, and the Vicarage make up the south portion of the appeal site.
8. The Church is constructed from high quality original materials including Kentish ragstone with yellow Bath stone quoins and roof slopes in deep red brown clay tiles, with finely detailed window cills and decorative courses. The Church sits within a prominent location off the South Circular road and, largely through the substantial nave massing, has a significant presence in the immediate locality. This non-designated heritage asset has historical and architectural significance within the area.
9. Whilst the Church is a prominent building within its immediate setting, due to the close knit development surrounding the site, the Church is not fully visible from longer views. The roof structure of the Church is visible from the surrounding streets however, public views of the south and east elevations are hampered by existing residential buildings including the houses to the south and the flatted development which is in close proximity to the east.
10. The single storey element of the proposal would abut the east elevation of the Church. Due to its scale and height of this part of the proposal, the majority of the upper section of the Church would remain visible. The internal layout of the proposal shows that the east elevation of the Church would be unaltered with the space around this elevation to be for circulation space and meeting area. The roof design at this location would be flat roof glazing panels that would allow internal views of the majority of the east elevation from this circulation/meeting area space.
11. The proposed extension would be a modern feature that jars with the historic architectural qualities of the Church. The proposal would, however, be sensitive in its attachment to the Church and is honest about its relationship being a modern addition. The materials and styles of the proposal would contrast with the Church, nevertheless the scale as well as the external and internal design of the extension allows the main features of the Church to remain prominent and visible from both outside and inside the extension.
12. I have had regard to the Council's statement of case which includes objections from specialist advisors such as the Council's Conservation Officer and the Victorian Society, and I have given careful consideration to these objections. The proposal would obviously be a modern addition that covers a section of the exterior of the Church. The architectural qualities of this elevation would not be completely hidden or lost, primarily as the elevation would be viewable from within the building. The existing built form and landscape features in the area

already fetter views of the Church's east elevation. Given the scale and design of the proposal it would not clutter this part of the Church to an extent that would be harmful to the overall character and appearance of the host building and surrounding area.

13. The trees along the boundary of the site would provide some screening to the proposal although it is noted that this screening would lessen during an approximate 6 month period when leaves are absent. During my site visit, I witnessed buses parked near the east elevation of the Church but note that these are not permanent features.
14. The Council have not raised any objections to the demolition of the existing church hall. The existing church hall does not retain any specific special inherent architectural or historic interest and its loss would be acceptable. The replacement two storey element of the proposed scheme would have obvious separation from the Church and given its positioning and scale would not have an adverse effect on the setting or appearance of the Church.
15. The proposed development, given its bulk, scale, form, positioning and material palette, would contrast with the Church building but crucially would not be an incongruous or over dominant addition. The Church would retain its unique architectural and historic identity and character, and would remain as a significant presence that contributes positively to the surrounding locality.
16. The proposal would result in the loss of some landscaped areas to make way for parking. This parking would not be typical hard standing though with it being proposed to be Golpa Pre-Grown reinforced grass in a geosynthetic grid on Cellwebb/Techcell mesh. It is accepted that the proposal would lose some grassed areas however, the replacement parking would not appear visually intrusive. Additional hedgerow planting is also proposed along the north boundary which would further reinforce the landscaped perimeter. A cycle stand is also proposed to be sited on the north boundary. The location against existing hedgerow would ensure that it would not be an intrusive feature and would not compromise the appearance of the host building, the surrounding area or the adjacent war memorial.
17. The proposal would not have a harmful effect on the character and appearance of the Church, as a non-designated asset, or the surrounding area. The proposal would be in accordance with Policies 5 and 16 of the Lewisham Core Strategy Development Plan Document 2011 (CS), Policies 30, 31 and 37 of the Lewisham Development Management Local Plan 2014 (DMLP), Policy 7.8 of the Local Plan and the Framework which seeks development to be of high quality design and protect local distinctiveness by sustaining and enhancing the significance of non-designated heritage assets.

Trees

18. The Council are concerned with the effect the proposal would have on trees in and around the site, in particular those trees identified as T1, T2, T5, T6, T7, T8, T9 and T19. None of the trees are covered by Tree Preservation Orders. Tree T8 is proposed to be removed with the other trees to be retained.
19. Trees T1, T2, T5, T6, T7 and T9 are all located along the north boundary of the site, are readily visible publicly, and contribute positively to the character and appearance of the street scene. Tree T19, whilst being a large mature

specimen, is only visible from public vantage points through gaps in the built form. So, although it may be visible from the gardens and windows of neighbouring properties, T19 is not an important feature within the surrounding street scene.

20. The Council considers that the proposed development would be a risk to tree T19 for various reasons including proximity and positioning of the development to the tree, required excavation depths, construction methods and types of foundations, amount of development in the tree root protection area, location of tree roots and further growth, and crown reduction/lift.
21. A Tree Constraints Plan, Tree Impact Assessment and Tree Protection Method Statement has been submitted along with additional rebuttals including an Arboricultural and Landscape Submission statement. These statements provide conclusions that tree T19 can be adequately protected by careful construction methods and would continue to provide amenity value.
22. Whilst evidence has been submitted from the appellant that tree T19 would not be adversely compromised by the proposal, the tree would be in close proximity to the extension with development taking place within the root protection area. There is some indication of the likely location of the tree roots however, there is no certainty on this until the existing church hall building is demolished and excavated. Given this uncertainty, I consider there is a possibility that the proposal could have an adverse effect on tree T19. That being said, I acknowledge the appellant has gone to lengths with the proposed construction methods to be able to retain the tree. The worst case scenario, even with all the measures that would be put in place to retain the tree, is that the tree may fail due to the proximity of the proposed extension. This tree is not an important feature in the public realm and should the worst case scenario happen and the tree fails, I do not consider that this eventuality would have an overall harmful effect on the character and appearance of the surrounding area.
23. The proposed extension would not be in close proximity to trees T1, T2, T5, T6, T7 and T9 however, the proposed alterations to the car park would abut the majority of these trees. It is important to ensure tree roots and the rooting environment are protected and potential damage is minimised by development and maintenance proposals. The appellant has provided additional evidence in relation to the effects of the car park works on these trees including details on the Golpa Pre-Grown reinforced grass in a geosynthetic grid on Cellwebb/Techcell mesh, reduction in root cutting, crown reduction methods and ground levelling.
24. Whilst some of the additional evidence has alleviated some concerns from the Council, they still consider trees T1, T2, T5, T6, T7 and T9 to be at threat from potential damage arising from close manoeuvring vehicles and changes to the soil rooting environment which is in addition to the existing stress to the trees from air pollution.
25. From the evidence before me, I am satisfied that the use of the Golpa Pre-Grown reinforced grass in a geosynthetic grid on Cellwebb/Techcell mesh, along with the proposed construction methods and protective measures to be undertaken would allow the proposed car parking to be installed without any compromising effects on the nearby trees. I also consider the risk of damage from vehicles manoeuvring to be low particular given the location of the trees

and other shrubbery that would be in place. The matter relating to air pollution in the area resulting from the nearby road is noted but, this is an existing issue and I do not consider the works around the trees would significantly contribute to this problem.

26. I have commented under the character and appearance heading that given the use of materials, I am satisfied that the proposed parking would not compromise the appearance of the area. In addition, I have also found that the positioning of the cycle stand would be acceptable.
27. The proposed development would not have a harmful effect on the totality of the trees in and around the site that would compromise the landscape contribution in the area. The proposal would not be contrary to Policy 12 of the CS and Policies 25 and 37 of the DMLP which seeks development to protect the character and amenity of open spaces as well as the effects of development outside their boundaries and ensuring that landscaping and trees are integral parts of a development.

Conditions

28. The conditions imposed are those that were attached within the Council's statement of case. In the interests of precision and clarity I have undertaken some minor editing and rationalisation where necessary as well as taken the appellants comments with regards to these conditions into consideration.
29. Conditions relating to timeliness and the identification of plans are necessary in the interests of proper planning and to provide certainty. To safeguard the living conditions of nearby residents conditions are necessary in relation to a construction management plan, lighting, operating hours and refuse facilities. In the interests of highway safety conditions are imposed in relation to car parking and non-road mobile machinery. To encourage sustainable modes of transport and reduce carbon emissions a condition is required in relation to cycle storage. In the interests of the character and appearance of the area and protection of heritage assets, conditions are necessary relating to materials, hard and soft landscaping, tree protection and investigations and arboricultural method statement, retention of original features including protection of window glass, external stonework, pipework and roof plant. I have had regard to the appellants comments on the condition relating to Arboricultural Method Statement and requirement for a soil rooting environment management and mitigation plan. I have kept the details of this condition as requested by the Council and consider it necessary in order to safeguard tree T19 and better its survival.

Conclusion

30. For the reasons given above I conclude that the appeal should be allowed.

Chris Baxter

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than [3] years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
3433-HAH-00-01-DR-E-63-0100 Rev P02; 3433-HAH-00-01-DR-E-68-0100 Rev P03; 3433-HAH-00-01-DR-M-56-0100 Rev P04; 3433-HAH-00-01-DR-M-57-0100 Rev P03; 3433-HAH-00-01-DR-P-52-0100 Rev P02; 3433-HAH-00-GF-DR-P-52-0100 Rev P02; 3433-HAH-00-GF-DR-E-63-0100 Rev P02; 3433-HAH-00-GF-DR-E-68-0100 Rev P03; 3433-HAH-00-GF-DR-M-53-0100 Rev P03; 3433-HAH-00-GF-DR-M-56-0100 Rev P04; 3433-HAH-00-GF-DR-M-57-0100 Rev P04; 3433-HAH-00-RF-DR-E-69-0100 Rev P02; 3433-HAH-00-SW-DR-E-63-0100 Rev P05; A5414-001 Rev P1; A5414-002 Rev P1; A5414-011 Rev P1; A5414-012 Rev P1; A5414-021 Rev P1; A5414-022 Rev P1; A5414-1500 Rev P1; A5414-1501 Rev P1; A5414-1502 Rev P1; A5414-SK001 Rev P1; A5414-SK002 Rev P1; MIL SK03 Rev P0; MIL 150 Rev P0; MIL 151 Rev P0; MIL 152 Rev P0; MIL 153 Rev P0; MIL 154 Rev P0; MIL 155 Rev P0; MIL 156 Rev P0; MIL 175 Rev P1; MIL 178 Rev P1; MIL 181 Rev P0; MIL 191 Rev P0; MIL FS1 Rev P0; MIL SK04 Rev P0; MIL SK05 Rev P0; MIL SK06 Rev P0; MIL SK07 Rev P0; STMILDRPA-OCT16; STMILDSH-April 19; STMILDTR-DEC18; Design and Access Statement dated April 2019; Development of Environmental and MEP Strategy and Proposals (RIBA Stage 3 - Developed Design) 3433-HAH-00-XX-SP-ME-70-0001; Heritage Statement; Inspection Report for St Mildred's Church, Lee, CTP consulting engineers dated 15th August 2018; Interim Update on Inspection Report for St Mildred's Church Hall, Lee, CTP consulting engineers dated 18th October 2018; Management and Use Documents dated April 2019; Parking Map; Planning Statement - JEA/KAP/DS.7164; Site Investigation - St Mildred's Church Hall - XL04209/R2/1 dated September 2016; Solar Shading Study; Tree Impact Assessment & Tree Protected Method Statement date 17th October 2017 Rev Dec 2018 & April 17th & 26th 2019; Vision Statement dated April 2019. MIL 170 Rev P1; MIL 173 Rev P1; MIL 174 Rev P1; MIL 190 Rev P1 MIL 172 Rev P2; MIL 180 Rev P0 MIL 171 Rev P3; MIL 197 Rev P1; MIL 196 Rev P2; MIL 195 Rev P1; MIL 176 Rev P1; MIL 177 Rev P2.
- 3) No development, including demolition shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
 - (a) Dust mitigation measures
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site

- (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction relates activity
 - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel)
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements
- 4) Notwithstanding the details hereby approved, no development beyond piling shall commence until detailed plans at a scale of 1:50 showing: windows, doors, terraces and entrances have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development above ground level shall commence on site until a detailed schedule of all external materials and finishes, windows, external doors and roof coverings to be used on the buildings hereby granted have been submitted to and approved in writing by the local planning authority, and samples of external materials presented to the local planning authority, prior to commencement of the relevant part of the development. The development shall thereafter be carried out and maintained in accordance with the approved details.
- 6) No development above ground level shall commence until details of proposals of refuse and recycling facilities have been submitted to and approved in writing by the local planning authority. All refuse facilities shall be provided in full prior to the use of the new extension and shall thereafter be permanently retained and maintained.
- 7) No development above ground level shall commence until full details of all cycle parking facilities have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and cycle parking spaces be made available for use prior to the use of the new extension and maintained thereafter.
- 8) No development above ground level shall commence until details of landscaping including new sub-soil/topsoil between the south boundary and south wall of the new hall, hedging and planting and the landscaped boundary between the enlarged car park and footway along St. Mildred's Road shall be submitted to and approved in writing by the local planning authority.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) No development above ground floor level shall commence until details of any hard landscaping measures, including pathways, piers, parking bollards and surfacing materials, shall be submitted to and approved in

writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the use of the new extension.

- 11) No development above ground floor level shall commence until details of any external lighting that is to be installed at the site, including demonstrating need and working purposes, measures to prevent light spillage and glare shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the use of the new extension.
- 12) The car parking accommodation hereby approved, including disabled bays, shall be constructed and available for use prior to the use of the new extension.
- 13) An inventory of all Non-Road Mobile Machinery (NRMM) to be used for demolition and construction shall be kept on-site and registered on <http://nrmm.London/> showing the emission limits for all equipment and shall be made available to Local Planning Authority offices if requested. All NRMM of net power between 37kW and 560kW will be required to meet Stage IIIA of EU Directive 97/68/EC.'
- 14) No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the local planning authority. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.
- 15) No development shall commence on site until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority, which shall include:
 - roots/ rooting environment management and protection from desiccation etc during construction;
 - a soil rooting environment mitigation plan (agreement to be explored with owner of 1 Helder Grove) to reduce the extent of crown reduction that is proposed to T19 in the Appeal Tree Statement.

The approved Method Statement should be implemented in full accordance thereafter.

- 16) No material new excavation shall commence on site until investigations have been undertaken of the existing building foundations and roots extending towards the existing building, and the investigation details submitted to and approved in writing by the local planning authority. The investigation works should be undertaken by careful hand digging and/ or use of an air spade to assess and best inform the construction of the new building and its impact upon oak T19.

- 17) The church hall hereby granted shall only be operational between the hours of 0800hrs to 2300hrs Mondays to Fridays; 0800hrs to 2300hrs Saturdays; and 0900hrs to 2100hrs Sundays and Bank Holidays.
- 18) No development shall commence on site until a record in line with Level 3 of Historic England's *Understanding Historic Buildings - A Guide to Good Recording Practice* has been provided to the local planning authority and submitted to the Greater London Historic Environment Record for archive. This record shall comprise the details gathered in support of this application including:
 - (a) A full suite of photographs of the interior and exterior before work is commenced including detailed photographs of historic features and accompanying plan indicating where these photographs were taken
 - (b) Additional historic photos and other historic research in relation to the historic and architectural significance of the Church that is available to the applicant/building owner such as historic records.
- 19) All existing external ornamental and architectural features including windows and stained glass, stonework, buttresses, architraves, rainwater pipes, etc shall remain undisturbed in their existing position and shall be fully protected during the course of works on site, unless specifically authorised otherwise on the drawings hereby approved.
- 20) No development shall commence on site until details for the protection of historic windows are submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No such glazing shall be disturbed or damaged or removed temporarily or permanently to facilitate protection works except as indicated on the approved drawings or with prior approval in writing.
- 21) No development shall commence on site until details including structural engineering drawings and/or method statement showing the areas of masonry to be demolished and setting out the method of ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 22) No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the visible elevations of the existing or proposed building other than as shown on the drawings hereby approved.
- 23) No roof plant (including all external enclosures, machinery and other installations) shall be placed upon or attached to the roof or other external surfaces of the building.