



Appeal Decisions

Site Visit made on 9 August 2021

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2021

Appeal A Ref: APP/C5690/W/21/3268740

25-27 Tranquil Vale, Blackheath, London SE3 OBU

- 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 Mehmet Bayramoglu against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/118109, dated 25 August 2020, was refused by notice dated 11 December 2020.
 - The development proposed is alterations to the front of the building and a rear double extension.
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Appeal B Ref: APP/C5690/Y/21/3268742

25-27 Tranquil Vale, Blackheath, London SE3 OBU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Mehmet Bayramoglu against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/118110, dated 25 August 2020, was refused by notice dated 11 December 2020.
 - The works proposed are alterations to the front of the building and a rear double extension.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Applications for costs

3. An application for costs was originally made by Mr Bayramoglu against the Council of the London Borough of Lewisham but during the course of the appeal proceedings the application was withdrawn. This was confirmed in writing by the appellant's agent¹ and therefore no further action is required in this regard.

Preliminary Matters

4. The Government published a revised version of the National Planning Policy Framework (the Framework) in July 2021, and this post-dates the Council's decision notice. It is incumbent upon me to take into account the most up to date information in reaching a decision. I have, therefore, had regard to the revised Framework in my decision. I am satisfied that this has not prejudiced the main parties as they have had the opportunity to address this during the course of the appeal proceedings.

¹ Email to The Planning Inspectorate from Jeremy Stillman on 20 August 2021 at 09:13

5. The London Plan 2021 (the LP 2021) was published by the Mayor of London on 2 March 2021. The LP 2021 comprises the spatial development strategy for London and thus it forms part of the development plan for decision-making purposes. The LP 2021 supersedes the policies of the London Plan 2016. The parties have not cited any conflict with policies of the LP 2021 and therefore my consideration of the appeal is primarily against the policies of the Lewisham Core Strategy (2011) (the CS), policies of the Lewisham Development Management Local Plan (2014) (the LP) and the policies of the Framework.
6. The Council did not raise any concerns with the proposed alterations to the front of the building and nor were they considered to offer a heritage benefit. From the evidence before me I see no reason to take a different view. My deliberations and decision are therefore confined to the proposed two-storey rear extension.

Main Issues

7. The main issues are:

- Firstly, in relation to both appeals, whether the proposal would preserve the special architectural and historic interest of the Grade II listed building, 23-27 Tranquil Vale, of which the appeal property forms a part, and whether it would preserve or enhance the character or appearance of the Blackheath Conservation Area; and,
- Secondly, in relation only to Appeal A, the effect of the development on the amenity of the occupiers of 23 and 29 Tranquil Vale, with particular regard to outlook.

Reasons

Special interest and significance

8. The appeal property is a retail unit with ancillary office and storage accommodation as part of a terrace of Grade II listed buildings centrally located within the Blackheath Conservation Area (BCA). The building dates from the early to mid-18th century and comprises three storeys with shopfronts at street level. The property displays typical Georgian architectural features including a stuccoed front with parapet concealing the roof and a regimented arrangement of vertical sliding sash windows with six over six panes separated by glazing bars. No 25 has a late 19th century shop front with minimal alterations and cast-iron grille stallrisers. No 27 has a substantial Doric porch with modern shop front to its right.
9. The polite, terraced facade of this range of buildings coupled with the adjoining terrace, enclose the street and provide a lively and interesting backdrop to the street scene, making an important contribution to the quality of the townscape in this part of the BCA. The rear of these buildings and the spaces behind them offer a more subdued and functional appearance with their form, detailing and long garden areas less elegant but revealing of their historic development. The building has been subject to various 20th century alterations and additions, including two-storey and single-storey rear extensions which have compromised its architectural integrity to a degree. Nevertheless, its original rear elevation along with the form of its traditional mansard roof remain visible and legible and thereby this elevation retains a level of architectural and historic interest.
10. Given the above, the special interest and significance of the listed building, in so far as it relates to this appeal, is principally derived from its architectural and historic interest as a prominent mid-18th century commercial building. The building forms

part of the wider street scene which includes buildings of a similar age and therefore its significance is also derived from the building's value as a group with other buildings along the street, which together illustrate the historical development of Blackheath Village.

11. This part of the BCA is characterised by the tight urban grain of buildings predominantly dating from circa 1790 to 1880 which create a degree of consistency of architectural styles. Most notably, historic shop terraces make this a memorable part of the BCA with a strong sense of place. Public views of the rear of Tranquil Vale, from Blackheath railway station and its carpark, allow an appreciation of the complex plan and early forms of extension and alteration to this terrace of listed buildings, which includes the appeal site. From here the roofscape of this part of the village makes a valuable contribution to the character and appearance of the area and is framed by mature trees which offer a leafy feel to the surroundings.
12. Accordingly, as an early to mid-18th century building of architectural and historic significance, the appeal property contributes greatly to the character and appearance of this part of the BCA.

The appeal proposal

13. The appellant seeks planning permission and listed building consent for demolition of the existing single-storey rear extension and the construction of a two-storey extension to the rear of the building. Access and delivery ramps are also proposed to the front and rear along with alterations to the shopfront to accommodate these works and some minor internal alterations.
14. The two-storey extension would have a rearward projection of approximately 15.6 metres beyond the existing two-storey element. It would rise to a height of approximately 6.9 metres, with a flat roof, and extend across almost the entire width of the site. This would provide additional floorspace to accommodate an enlarged retail use.

The effect of the appeal proposal

15. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest it possesses. Section 72(1) of the same Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. I have therefore considered the appeal scheme in light of these weighty statutory duties.
16. The design and materials of the proposed rear extension would be in-keeping with that of the existing two-storey rear extension and its footprint would be similar to that of the existing single-storey rear extension. It would also be set lower than the main building. Nevertheless, its height, coupled with its box-like appearance, would result in an overly assertive and bulky addition that would harmfully dominate the rear elevation of the building. In doing so, the extension would not be a sympathetic or subservient addition. The proposal would also harmfully interrupt the space behind the listed building by adding substantial built form that would dominate the appearance of the rear of the building and erode valued public views of the rear roofscape of the terrace.
17. Moreover, the proposal would introduce large featureless elevations that would have a stark utilitarian appearance, lacking in architectural merit and at odds with the more refined character of the host property. Whilst I accept that the rear of the

building is of a more restrained appearance and includes existing large modern extensions of a significant scale and massing, this does not justify a further harmful addition to the building. Furthermore, there are other extensions and built form present to the rear of the terrace but none of these are of a comparable scale to the proposal. Therefore, the proposal would represent an overly large and disproportionate addition to the existing structure which would conflict with the historic architectural form and significance of the building as a whole.

18. In these terms the proposal would fail to articulate or complement the architectural characteristics of the listed building and instead would appear as visually obtrusive addition that would detract from the building's special interest and significance. As a consequence, the appeal proposal would result in clear harm to the heritage asset.
19. The proposal would be visible in public views along Collins Street and from the entrance to the Blackheath Railway Station carpark. From these vantage points the proposal would disrupt key views of the rear of the terrace of listed buildings, thereby harming the setting of these designated heritage assets and further diminishing their special interest and significance.
20. It follows that if the special interest of a listed building within a conservation area is materially diminished, as a consequence the character and appearance of that conservation area as a whole is also similarly incrementally harmed. Therefore, as the proposal would undermine the architectural integrity of the listed building, and also disrupt key views of the rear of the terrace, I also find it to be harmful to the character and appearance of the BCA, by diminishing the historic and architectural qualities of a building that contributes positively to that area.
21. Taking these points together, I conclude that the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building, 23-27 Tranquil Vale, of which the appeal property forms a part. It would also fail to preserve or enhance the character or appearance of the Blackheath Conservation Area. The proposal would not therefore meet the weighty statutory requirements set out above.
22. For these reasons, the proposal would conflict with Policies 15 and 16 of the CS, Policies 30 and 36 of the LP and the associated policies of the Framework which together seek to achieve high quality design and to conserve heritage assets in a manner appropriate to their significance.
23. The harm to the listed building and the conservation area would be 'less than substantial' in the terms set out in paragraph 199 of the Framework as the effects of the proposal would only be apparent from its immediate surroundings and from two key vantage points. Accordingly, the Framework requires the harm to be weighed against the public benefits of the proposal, which I return to in my overall planning balance below.

Neighbouring amenity

24. The neighbouring properties at Nos 23 and 29 Tranquil Vale benefit from long extensive garden areas extending out from their rear, towards Blackheath Railway Station. The existing two-storey rear extension at the appeal site, to a degree, already compromises the outlook from these neighbouring rear garden areas, appearing as a large and dominant addition.
25. The proposal would further increase the massing of built form along the shared boundary with these neighbouring properties, with the flank walls introducing large

blank elevations that would tower over these garden areas. The combined depth, height and proximity of the proposed extension to the shared boundaries of these neighbouring properties would further diminish the outlook experienced by these neighbouring occupants resulting in a harmful sense of enclosure.

26. The presence of mature trees and vegetation along the shared boundaries would slightly reduce these harmful effects, but not sufficiently to overcome the harm I have identified. Furthermore, the trees and vegetation could not be relied on in perpetuity and therefore would not provide suitable mitigation.
27. Consequently, the proposed extension would cause significant harm to the amenity of the occupiers of Nos 23 and 29 Tranquil Vale, with particular regard to outlook. This would be in conflict with Policy 15 of the CS, Policy 31 of the LP and the associated policies of the Framework which together, amongst other things, seek to achieve high standards of design and high standards of amenity for existing and future users.

Other Matters

28. The appellant has suggested that he would be willing to reduce the depth of the extension and provide a green roof in order to mitigate any significant visual impact. However, I am mindful that the appeal process should not be used to evolve a scheme to overcome the Council's reasons for refusal and instead a fresh planning application should usually be made². I have therefore determined the appeal on the basis of the plans as originally submitted.
29. The appeal proposal was subject to a pre-application planning enquiry. However, the appellant has advised that a response was only received following the Council's decision. Whilst this is unfortunate, and I share the appellant's frustration in this regard, it does not change the essential planning merits of the case and therefore it does not lead me away from the harm I have found.
30. In support of the appeal my attention has been drawn to several other developments in the area. However, I do not have the full details of these other schemes before me. I can see that they relate to householder development at differing locations, and it is not clear if they relate to listed buildings within a conservation area. In these regards, the other developments cited do not appear to offer a direct comparison and therefore they do not justify the proposal before me.
31. I acknowledge the appellant's assertions that the proposal would enjoy a degree of support from its compliance with policies of the Framework which seek to build a strong, competitive economy. In this regard, the proposal would allow the expansion of an existing retail premises. This adds positive weight in favour of the appeal.
32. The appellant makes reference to permitted development rights that would allow for an upward extension to form dwellings on the top of terrace buildings in commercial or mixed uses. However, listed buildings and sites within conservation areas do not qualify for this permitted development right and so this does not represent a legitimate fallback position for the appellant.
33. An interested party has raised issues of ownership and property rights. However, these are private matters between the relevant parties and not within my

² Annexe M of the *Procedural Guide Planning Appeals – England* advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

jurisdiction. Accordingly, this has had no bearing on my assessment of the planning issues in this appeal.

Overall Balance and Conclusion

34. I have found that the proposal would result in less than substantial harm to the significance of the listed building and the conservation area. Under such circumstances, paragraph 202 of the Framework requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
35. The proposal would allow an existing retail premises to expand and this would bring about economic benefits, including the employment of around 30 people. It would also improve the local retail offer and consequently have a positive effect on the vitality and viability of the area. Given that the proposal relates to a single retail unit, these are moderate benefits that add weight in favour of the proposal. However, the harmful effects to the significance of both the listed building and the conservation area are considerations to which I attach great weight and importance, and their combined weight would not be outweighed by these public benefits.
36. The appellant considers that the current building is grossly unprofitable and underutilised. In this regard he asserts that the building is no longer viable without the proposed expansion. However, no evidence has been presented to support these claims and, having regard to the Planning Practice Guidance³, there is nothing before me to suggest that the proposal would represent the optimum viable use of the building in terms of it being the one likely to cause the least harm to the significance of the asset.
37. Moreover, despite recent hardship caused as a result of the Covid-19 pandemic, no evidence has been presented to suggest that the ongoing use of the building, as a retail unit with ancillary office and storage accommodation, would be jeopardised or would cease in the event that the appeals were to fail, and consequently the proposal was not implemented.
38. Consequently, the harm to both the listed building and conservation area would not be outweighed by public benefits and therefore the proposal conflicts with the Framework's aim to conserve heritage assets in a manner appropriate to their significance. I have also found significant harm to the amenity of neighbouring occupiers, with regard to outlook, and contrary to the above cited policies of the development plan.
39. Furthermore, the benefits and other matters advanced in favour of the proposal are not of sufficient weight to justify a decision other than in accordance with the development plan, with which the proposal is in clear conflict.
40. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeals should be dismissed.

J M Tweddle

INSPECTOR

³ Planning Practice Guidance, Paragraph: 015 Reference ID: 18a-015-20190723