



Appeal Decision

Site Visit made on 12 October 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Ref: APP/C5690/W/21/3274526

Unit 8 Ashby Mews, London SE4 1TB

- 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 Nella Properties against the decision of London Borough of Lewisham.
 - The application Ref DC/21/120391, dated 19 January 2021, was refused by notice dated 8 April 2021.
 - The development proposed is demolition of existing building and erection of 2 bed live work unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). Comments were sought from the Council and the Appellant. As the main parties have had the opportunity to provide comments no injustice has been caused. I have considered the appeal on the basis of the revised Framework.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Brockley Conservation Area.

Reasons

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
5. Brockley Conservation Area (CA) consists of an expansive area of residential streets. The late Victorian era housing is impressive in terms of its form and architectural detailing, while being set in wide, tree-lined roads with large front and rear gardens that gives the area a leafy and spacious character.
6. The appeal site comprises a single storey building split into two workshops. It is located within a row of largely similar structures that line Ashby Mews and the rear boundaries of the terrace properties on Manor Avenue. The site backs onto No 110 Manor Avenue (No 110) to the east, a tall terrace dwelling with a deep rear garden. Neighbouring properties in the terrace have equal if not

longer rear gardens with mature trees along their boundaries. These features combine to create an attractive verdant and spacious setting.

7. As noted in the Brockley Conservation Area Character Appraisal (BCACA) the mews streets are leafy lanes containing many mature trees, single storey garages and views to the rear elevations of the tall Victorian houses across their long rear gardens. In this context Unit 8 Ashby Mews, along with the other nearby buildings are relatively unremarkable in terms of their appearance. Yet their modest scale and degree of separation from the rear of the grander terraces along Manor Avenue help to reveal and reinforce the soft verdant spaces that characterise this part of the perimeter block. Accordingly, the appeal site makes an important contribution to the significance of the CA and the area's character and appearance in more general terms.
8. Planning permission already exists to build a detached live/work unit on part of the appeal site¹, yet work on that scheme had not commenced at the time of my site visit. The proposal before me differs in that the site's depth has increased, taking up more of the garden of No 110, while the scale of the approved scheme would be altered by the addition of a rear outrigger containing a bedroom and studio space.
9. The proposed outrigger would project approximately 5m from the rear of the approved building leaving around 12.7m – 13.5m of garden space between it and the rear of No 110 (depending on the development of a rear addition at that property). This would represent an excessive horizontal encroachment into that undeveloped space that would contrast with the predominantly deeper rear gardens nearby. The erosion of the space would consequently diminish the open and verdant setting between Ashby Mews and the rear of Manor Terrace to the detriment of the distinctive spatial characteristics of the area. This discordance would be most visible from the rear gardens and windows of nearby properties along Manor Avenue and from Ashby Mews, where the roof profile of the rear outrigger would be seen to rise perceptibly above the shorter structures in the street and advance further into the garden space to the east.
10. The appellant indicates that the proposal would only add around 3.5m to the depth of the existing garage building at the site. It is also considered to have a comparable depth to neighbouring buildings along Ashby Mews to the south and west, while maintaining a similar gap to the dwellings. However, at around 5m in height the proposed outrigger would be taller than the existing garage building while rising above the adjacent mews buildings to the rear of No 106 and 108 Manor Avenue. When viewed in context with those neighbouring buildings from the south, the appeal proposal's depth and greater verticality would reduce the views of the garden spaces and the perception of openness that currently exists when looking towards the rear of Manor Avenue.
11. I do not have the full details of the comparable schemes referred to in the Appellant's evidence and am not clear on the reasons that led to those permissions, in addition to the policies upon which they were determined. Without that information I am unable to draw any direct comparisons between those schemes and the appeal proposal.
12. The appellant has referred to the Council's lack of concern insofar as the proposal would remain subservient to the taller buildings along Manor Avenue.

¹ DC/19/111778

However, the lack of harm in that respect would weigh neutrally in my assessment and would not overcome the separate harmful effects that the proposal's layout and scale would have upon the character of the intervening space between it and the terraces along Manor Avenue.

13. For these reasons, I conclude that the proposed development would have an unacceptable effect on the character and appearance of the area, while failing to preserve the spatial character of the CA, to the desirability of which the Act requires that special attention be paid. Consequently, there would be harm to the significance of the CA.
14. The proposed development would conflict with the London Plan 2021 Policy HC1, Policies 15 and 16 of the Core Strategy (June 2011) and DM Policies 30, 31, 33 and 36 of the Development Management Local Plan (November 2014). These seek high quality design in proposals that respect site context, including views, open spaces and local distinctiveness, while conserving or enhancing the significance of conservation areas.
15. Although DM Policy 33 refers to residential dwellings rather than specifically live/work units, the assessment criteria relate, in part, to development proposals in general terms. Accordingly, it is relevant, and I have referred to it in my conclusions.

Planning Balance and Conclusion

16. I have found that the proposed development would harm the character and appearance of the CA.
17. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given my findings above, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
18. I acknowledge that the development would bring 1 two-bedroom dwelling in a sustainable location, while also including within it employment space that could bring about local economic benefits. These benefits attract moderate weight as a public benefit. However, they would not outweigh the harm identified above to the significance of the CA, the conservation of which the Framework indicates that great weight should be given. I conclude therefore that the proposal would fail to preserve the special character and appearance of the CA. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and it would not be in accordance with the development plan.
19. For the reasons given I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR