



Appeal Decision

Site visit made on 18 January 2022

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/C5690/W/21/3275715

65 Jerningham Road, New Cross, Lewisham, London SE14 5NH

- 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 Ms Lorraine Kelly against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/118530, dated 17 September 2020, was refused by notice dated 18 December 2020.
 - The development proposed is bike storage.
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Decision

1. The appeal is allowed and planning permission is granted for bike storage at 65 Jerningham Road, New Cross, Lewisham, London SE14 5NH, in accordance with the terms of the application, Ref DC/20/118530 dated 17 September 2020, subject to the following 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: site location plan (received by the Council on 12 October 2020), photograph of existing front garden, proposed layout of bicycle storage and CGI of proposed location of bicycle storage (all within email of 25 May 2021).
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the storage hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
 - 5) 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 completion of the development, 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.

Preliminary Matters

2. Policies from the London Plan (2016) referred to by the Council in refusing permission have been superseded by policies from the London Plan (2021), which has been adopted since the appeal was submitted. I must base my decision on the development plan prevailing at the time of my determination. In light of this, the main parties have had the opportunity to provide submissions in writing on the relevance of the new London Plan to the case.
3. Since the Council took its decision and the appeal was made the National Planning Policy Framework (the Framework) has been revised. I have determined the appeal on this basis and I have taken any comments made by the main parties in this respect into account in reaching my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character or appearance of the Telegraph Hill Conservation Area and of the host dwelling.

Reasons

Effect on Conservation Area and host dwelling

5. The appeal site lies within the Telegraph Hill Conservation Area (the CA). This covers an area encompassing residential streets, educational settings and parks. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
6. The CA Character Appraisal (2008) identifies features which contribute to the CA's significance. These include its uniform and cohesive architectural character, its green ambience arising in part from the contribution of roadside trees and rear gardens, and the regularity of its street patterns, building lines and building height. It states that the area within which the appeal site lies is characterised by a suburban tranquillity resulting from its street trees, boundary hedges and a reduction in traffic movement and noise. Houses in Jerningham Road are described as well set back. Given this, I find that the significance of the CA, insofar as it relates to this appeal, is primarily associated with its green ambience and the contribution of front gardens to spaciousness.
7. The host dwelling is a house in multiple occupation with 6 occupants. Whilst part of the dwelling's front garden area is already tiled, the remainder comprises planting. The property's low front wall allows for views of this from the street. Such small front gardens are identified within the appraisal as a feature of the CA and of Jerningham Road. This planting and spaciousness contributes positively to the CA's green ambience and street patterns.
8. The proposal would require the replacement of planting by the units and their concrete base, and suitable access between them and the gate. It would consequently reduce the level of natural form within the site, and replace it with built form which would occupy a significant proportion of the front garden. The positioning of three units together would have a bulky appearance which would draw the eye. Examples of negative alterations to the appearance of houses provided within the Character Appraisal include such hard surfacing of front gardens, usually to form a parking area.

9. Given the above, I find that the proposal would fail to preserve the significance of the CA. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the comparatively limited scale of the proposal and the potential for the retention of planting which would provide partial screening in both close and longer-range views, I find the harm to the CA's significance to be less than substantial.
10. Thus, the proposed development would harm the appearance of the Telegraph Hill CA and of the host dwelling. As a result, it conflicts with Policy 15 of the Lewisham Core Strategy (2011) (the CS), which states that the Council will ensure highest quality design and the protection or enhancement of the historic environment. Further conflict exists with Policy 16 of the CS, which sets out that the Council will ensure that the value and significance of the borough's heritage assets will be enhanced and conserved. Additional conflict exists with DM Policy 30 of the Lewisham Development Management Local Plan (2014) (the LP). Further conflict exists with the historic environment provisions of the Framework.

Planning Balance

11. As I have found harm to the heritage asset, I must give that harm considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that the harm should be weighed against the public benefits of the proposal.
12. In terms of public benefits, the appellant refers to the promotion of cycling as a sustainable form of transport. It is additionally submitted that the proposal would enable compliance with housing regulations regarding the storage of bicycles.
13. In this case the storage would support cycling as a means of transport for up to six people. Bicycle is a realistic means of transport from the host dwelling given its location with good access to a range of services, facilities and employment opportunities. The proposal would enable bicycle use by occupants and the Framework sets out that opportunities to promote cycling should be pursued. I consequently attach significant weight to the ability of the proposed storage to support a sustainable means of transport for several people. This public benefit is sufficient to outweigh the harm which I have identified.

Other Matters

14. The Council partially relies on Policy DM 36 of the LP in support of its stance. This states that bike sheds should be located at the side or rear of properties where a front access to these areas exists. A door provides access to the side and rear of the host dwelling. However, this is constrained by built form or the property boundary, and does not appear sufficiently wide to easily allow for the wheeling of cycles to the side or rear of the property. Furthermore, access to it is via a flight of steps and a sharp turn, which would be challenging to navigate with a bicycle. As a result of these issues, I do not concur with the suggestion that access to the side and rear of the dwelling by bicycle has been

demonstrated to be possible. Moreover, substantive evidence to demonstrate the suggested conflict with Policy DM 36 is not before me. Thus, it has only minimal relevance to the main issue of the appeal.

15. Screening of the proposal within most longer-range views would be provided by existing soft landscaping, the retention of which will partially be secured by Condition 4. Thus, it has not been proven that the suggested new planting of hedgerow behind the property's front wall is necessary and reasonable.
16. There is minimal evidence in respect of the proposal's effect on wildlife, flood risk and non-designated heritage assets. Thus, I have not considered these matters further.

Conditions

17. The plans condition is imposed because this creates certainty for all parties.
18. A condition in respect of materials is necessary in order to protect the character and appearance of the area, in accordance with the design provisions of Policies 15 of the CS and DM 30 of the LP. This is a pre-commencement condition in order to provide protection over the full course of development.
19. Conditions in respect of landscaping are necessary in order to offset the loss of soft landscaping and thereby to ensure compliance with Policies 15 of the CS, DM 25 of the LP, DM 30 of the LP and the provisions of Section 6 of the Alterations and Extensions Supplementary Planning Document (2019). Condition 4 is a pre-commencement condition in order to provide certainty prior to the commencement of development.

Conclusion

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

C Beeby

INSPECTOR