



Appeal Decision

Hearing (Virtual) held on 1 March 2022

Site visit made on 2 March 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2022

Appeal Ref: APP/C5690/W/21/3276449

Princess Louise Building, 12 Hales Street, London SE8 4RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Jamie Milne, RG Airspace Developments Limited against the decision of the Council of the London Borough of Lewisham.
 - The application Ref: DC/21/119953, dated 14 January 2021, was refused by notice dated 23 March 2021.
 - The development proposed is described as roof extension to the existing building to provide a one bed flat and a two-bed flat, associated private amenity space, additional cycle parking and refuse.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeal, and so will not be disadvantaged by my consideration of it.

Main Issues

3. Various third parties including residents of the appeal building have expressed concerns about fire safety which go beyond the reasons for refusal. Also, since the Council's decision the appellant has submitted a Fire Statement. In the light of these factors, and discussion of fire safety matters at the hearing, I consider it to be one of the main issues in this case.
4. The main issues are:
 - Whether the proposal would preserve or enhance the character or appearance of the Deptford High Street and St Paul's Church Conservation Area (CA);
 - Whether the proposed development would achieve the necessary standards of fire safety; and
 - The effect of the proposal on the living conditions of neighbouring residents, with particular regard to daylight and sunlight, and privacy.

Reasons

Conservation Area

5. The CA is focused along the spine of Deptford High Street, with a variety of property, backstreets and roads leading off it. Several church buildings and pioneering Victorian railway infrastructure further add to the CA's historic character. The High Street is characterised by two to three storey Victorian and Georgian buildings, many of which accommodate shops. Building facades along the High Street range from plain to ornate, in varying states of upkeep. A variety of roof forms is visible from the street. Stock brick is a commonly recurring element, some of which is painted in a variety of bright colours. Bright and plentiful displays of fruit, vegetables and fish under awnings in front of shops and on various market stalls along the High Street contribute contemporary commercial energy to the CA.
6. The appeal building is located in part of the 'Behind the High Street' (BHS) character zone of the CA¹, to the east of the High Street. The building is a noticeably modern twenty-first century, four to six-storey block of 26 flats in the CA's eastern backland, located between contrasting elements of pre-twentieth century buildings on the High Street, and postwar buildings to the east of the CA. Given the juxtaposition of different building styles and ages, there is a mixture of architectural tension and energy which results in a delicate character balance along this part of the eastern edge of the CA. As part of the backland to, and setting of, the High Street the BHS zone contributes to appreciation of the CA's historic identity from various viewpoints.
7. The CA's significance, insofar as it relates to this appeal, lies in the legibility of its historic town centre architectural character and identity.
8. At its front, the appeal building's central core of flats with a glass-louvred facade is supplemented on one side by a lower maisonette mass with a striking turquoise tiled gable, adjacent to the rear boundaries of Nos 62 to 66 High Street, and on the other side by a taller, substantially render-clad tower. While noticeably more modern than some neighbouring buildings, its programmatic assemblage of maisonette mass, glass fronted core and tower 'end stop' helps the existing appeal building read as a stepped sequence of elements that holds its own architecturally, as part of the locality's evolved backland dynamic.
9. Within this context, the proposed additional sixth storey mass, with its additional higher level bulk including expanse of render would appear as a top heavy lid to the appeal building. This would disrupt the building's stepped flow of form, and to a substantial extent visually merge the central part of the building and its tower. This would awkwardly disrupt the programmatic architectural balance and finesse of the appeal building.
10. The resultant combination of the increased modern mass and visual awkwardness of the enlarged building would distract from the nearby row of historic High Street buildings of comparatively more modest height, which includes Nos 62 to 66's rare surviving examples of Georgian buildings on Deptford High Street. Furthermore, it would upset the delicate character balance of this part of the High Street's backland setting.

¹ As described in Section 10.2 of the Deptford High Street & St Paul's Church Conservation Area Appraisal and Management Plan (CAA).

11. These adverse impacts would be noticeable from various viewpoints in the CA, from the High Street looking down Hales Street and from the rear of the neighbouring row of historic High Street buildings, and within the BHS zone from New Butt Lane, Reginald Lane, Frankham Street and Giffin Street.
12. Consequently, the appeal proposal would detract from the legibility of the CA's historic town centre architectural character and identity, viewed from the High Street and part of its BHS backland area.
13. Were the six storey church building scheme with planning permission² on the neighbouring site to the north to be built, which would be taller than the proposed enlarged appeal building, it would bring further architectural variety to the locality, and reduce some views of the appeal proposal from the north. Nevertheless, this other scheme has not been constructed. Also, it has its own design and rationale on a different site, which limits its equivalence to the current appeal proposal. Furthermore, much of the visible adverse impact of the appeal scheme identified above would occur even if the other development were built.
14. 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. Given the scale and substance of the proposal, I find the harm to the CA to be less than substantial in this instance, but nonetheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against public benefits of the proposal.
15. The proposal would contribute to housing supply in the area, in the form of two flats with a total of three bedrooms, on a brownfield site. This would provide socio-economic benefit through additional custom for local businesses, facilities and services in and around Deptford District Centre, including the public transport network within the context of the site's highly accessible PTAL 6a rating. This would help support delivery of housing on small sites in London and associated housing supply diversification and economic objectives which have strategic emphasis in the London Plan³ (LnP). Albeit tempered by the identified harm in this case which would undermine the headline objective⁴ of achieving well-designed new homes on small sites.
16. The public benefits are limited in scale and do not outweigh the great weight given to the conservation of the CA, and the less than substantial harm to its significance which I have identified. Therefore, the harm to designated heritage assets would not have clear and convincing justification, as required by paragraph 200 of the Framework.
17. In conclusion, the proposal would fail to preserve or enhance the character or appearance of the CA. As such, it would conflict with Policies HC15 and HC16 of the Lewisham Core Strategy (CS), Policies 30, 31 and 36 of the Lewisham Development Management Local Plan (LP) and Policy HC1 of the LnP which together seek to ensure that development complements and where appropriate enhances local character, and conserves the historic environment.

² Planning application Ref: DC/20/116662.

³ As set out in LnP Policy H2 and supporting text paragraphs 4.2.1 and 4.2.2.

⁴ As expressed in the opening paragraph of LnP Policy H2.

Fire safety

18. Part B of Policy D5 of the LnP requires developments where lifts are installed to have fire evacuation lift provision. Insofar as the appeal building in both its existing and proposed enlarged form does not include lifts, the fire evacuation lift requirement of Part B of Policy D5 is not engaged in this instance.
19. However, that said, the existing body of the building, below the proposed sixth storey flats, would be the platform for the proposed development, and be likely to form a substantial part of the location of escape and rescue access for its residents. In these respects, the fire safety provisions and standards of the existing block have a bearing on consideration of the safety of future residents of the appeal proposal.
20. I appreciate the appellant's intention to reassure residents through provision of a Fire Statement since the Council's decision.
21. Nevertheless, some residents of the block have expressed concerns about the fire safety of the existing building in terms of alleged combustibility of some materials, and adequacy of fire escape access. Furthermore, the Fire Statement prepared by the appellant's fire safety consultant is not based on survey of the existing block⁵.
22. In these circumstances, I have no certainty, even were various aspirational objectives and recommendations in the Fire Statement implemented, including review of the building's facade as part of the works, and compartmentation of the proposed top flats, that future residents of the proposed development would be demonstrably safe, in terms of fire safety.
23. That the scheme would be scrutinised under relevant building and fire regulations at a future point, were I to allow this planning appeal, does not predict the outcome of that scrutiny. Nor does it provide sufficient 'up front' assurance of the highest fire safety standards for future occupants of the proposed development within the enlarged building, to satisfy the latest LnP policy emphasis on this important matter.
24. In conclusion, the proposal would not demonstrably achieve the highest standards of fire safety, which is required by Policy D12 of the LnP. As such, the proposed development would not achieve the necessary standards of fire safety, and would not accord with Policy D12 of the LnP.

Living conditions of neighbouring residents

25. Following the appellant's submission of a Daylight and Sunlight Assessment (DSA) by their daylight and sunlight consultants, with the appeal, the Council are not pursuing the second reason for refusal concerning the proposal's impact on surrounding dwellings in terms of daylight and sunlight.
26. I see no reason to doubt the accuracy of the DSA's expert view, which indicates that the proposal would not harmfully impact on receivable light to dwellings that surround the Princess Louise building. However, that said, the DSA's analysis⁶ does not extend to the proposal's effect on occupants of neighbouring dwellings within the Princess Louise building itself. As such, I have no certainty that concerns of some residents of the appeal building about potential

⁵ As confirmed in paragraph 3.3 of the FS.

⁶ Of properties listed in Appendix 2 of the DSA.

overshadowing of some windows and rear terraces on the north side of the building, by the heightening of the block including the stairwell, have been satisfactorily addressed.

27. Furthermore, fourth floor residents have expressed concern about overlooking of their south facing balcony space from proposed new balconies on the fifth floor. There is not substantive evidence presented on this point, including for example detailed section drawing analysis of the interface between the two tiers of balconies, and resolution of whether additional screening that may be required would be sufficiently 'light touch' in appearance to be permissible.
28. Thus, I have no certainty that the proposal would adequately protect the living conditions of some neighbouring residents within the Princess Louise building, in terms of overshadowing and privacy. I therefore conclude that, in these respects the proposal would fail to safeguard the living conditions of neighbouring residents, with particular regard to daylight and sunlight, and privacy. As such, it would conflict with Policy 15 of the CS, Policies 31 and 32 of the LP and Policy D3 of the LnP which together seek to ensure, among other things, that development is sensitively designed and safeguards the living conditions of residents.

Other Matters

29. Some residents have raised concerns regarding cycle and bin storage, which go beyond the reasons for refusal. As I am dismissing the appeal on other grounds, it is not necessary for me to consider these matters further in this instance.
30. As set out above, I have determined that the public benefits of the proposal are insufficient to outweigh the less than substantial harm that would be caused to the significance of the heritage asset. Accordingly, I confirm that overall the benefits of the proposal are insufficient to outweigh the totality of harm that I have identified in relation to the main issues.

Conclusion

31. The proposed development would be contrary to the development plan and Framework and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jonathan Edis	HCUK Group
Jon Murch	Davies Murch
Will Wimshurst	Wimshurst Pelleriti

FOR THE LOCAL PLANNING AUTHORITY:

Joanna Ecclestone	Conservation Officer
Alfie Williams	Senior Planning Officer

INTERESTED PARTIES:

James Collier	Local resident
Nick Beard	Local resident
Dave Levy	Local resident