



Appeal Decision

Site visit made on 7 February 2022

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2022

Appeal Ref: APP/C5690/W/21/3280727

315A Brockley Road, London, SE4 2QZ

- 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 D Hanif against the decision of London Borough of Lewisham.
- The application Ref DC/21/121582, dated 29 April 2021, was refused by notice dated 24 June 2021.
- The development proposed is single storey building for use as storage/office space.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The building has already been constructed. The proposal is retrospective to retain the building and for a change of use to storage and office space.
3. The Council has previously refused planning permission for retention of the building as a single dwelling (ref. DC/20/118175). Prior to this, it served an enforcement notice requiring cessation of the residential use, demolition of the building and removal of resultant debris from the site (ref ENF/17/00542).

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host building, the surrounding area and on a conservation area in relation to its scale, design and materials.

Reasons

5. The appeal relates to a detached, single storey building abutting an access road to the rear of a 3 storey terrace comprising ground floor shop units with mainly residential uses above. The site address is given as 315A Brockley Road, which relates to the frontage shop unit, but there is no clear indication in the appeal of a relationship with the frontage building or indeed access from Brockley Road. The red line defining the site encompasses just land to the rear of the frontage building. Notwithstanding the given address, the proposal appears as a stand-alone development accessed only from the rear service road.
6. The terrace, land to the rear and much of the surrounding area lies within the Brockley Conservation Area (BCA). Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The significance of the BCA lies in the quality of the mainly residential buildings, their settings and street scenes and open spaces.

7. Nos 315 and 315a Brockley Road are an attractive matching pair midway along the terrace featuring decorative brickwork gables at the front and rear. They make a positive contribution to the BCA. The appeal building does not relate well to the frontage terrace in relation to its substantial size, virtually filling the rear yard, its detached nature and its pebbledash render finish. Whilst it is not readily visible in the public domain fronting the service road, it nonetheless detracts from the appearance of the host building and does not preserve or enhance the character and appearance of the BCA.
8. Paragraph 199 of the National Planning Policy Framework (the Framework) states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation"*. In this instance, given the limited visibility, the harm would be less than substantial. Paragraph 202 requires such harm to *"be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.
9. The building is not suited to the proposed office use as the only access is along an unmade and unlit service road. There are other storage buildings along the rear access road. These are generally smaller than the appeal building and appear to be mainly related to the frontage shop units. Several are of poor design and utilitarian in appearance. I have no information on their planning status but from their appearance suspect that many predate the enlargement to the BCA to include the appeal site. The proposal has to be considered in relation to the current planning policy framework. There would be an economic benefit in that the proposal could provide employment and make a small contribution to the local economy. But in my judgement, public benefits in relation to the use of the building as an independent store would be modest and not outweigh harm arising to the character and appearance of the BCA.
10. The proposal would thereby be contrary to Policy HC1 of the London Plan (2021) and Policies 15 and 16 of the Lewisham Core Strategy (2011) which require all developments to have high quality design that conserves or enhances heritage assets. Similarly, there would be conflict with Policies DM30, DM33 and DM36 of the Lewisham Development Management Local Plan (2014) (DMLP) which specify a high standard of design to development proposals, even on backland sites, and that special attention is paid to the desirability of preserving or enhancing the character or appearance of its Conservation Areas. There would not be material conflict with Policy DM31 of the DMLP or with the Lewisham Alterations and Extensions Supplementary Planning Document (2019) which primarily relate to residential premises.

Conclusion

11. The proposal would not satisfy the special duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The harm arising in respect to the character and appearance of the host building, the surrounding area and on the BCA in relation to its scale, design and materials would outweigh any public benefits. The appeal should therefore be dismissed.

Rory MacLeod

INSPECTOR