



Appeal Decision

Site visit made on 9 March 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 MARCH 2022

Appeal Ref: APP/C5690/D/22/3291391
107 Jerningham Road, 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 Mr Nigel Broome against the decision of London Borough of Lewisham.
 - The application Ref DC/21/124259, dated 10 November 2021, was refused by notice dated 5 January 2022.
 - The development proposed is lowering of the front boundary rendered block wall, making good the timber cladding to the refuse store together with the retention and modification of the planting layout in the front garden and creation of a dropped kerb and vehicular crossover.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Telegraph Hill Conservation Area.

Reasons

3. The Telegraph Hill Conservation Area (CA) derives its significance, as a whole, from the uniform appearance and traditional pattern of development of its late 19th century housing. Houses are generally tightly spaced and set back from the street behind mainly open front gardens. Whilst there are some limited examples of other materials to front boundaries including fences and render, they are generally traditional low brick walls. These elements of the historic appearance and pattern of development make a positive contribution to the character and appearance of the CA.
4. Front gardens are frequently occupied by planting and bin storage. Some are also used for car parking, including a number close to no.107 on the same side of the road. Although, on the opposite side of the road in the vicinity of the appeal site, front garden parking is rare. I am provided with appeal decisions which allow front garden car parking at 49b¹ and 53² Jerningham Road. These properties are further along the road and therefore their context is not the same as the appeal site. I have taken all the above into account, nevertheless, although car parking in front gardens exists, it is not so ubiquitous as to form an overriding part of the character and appearance of the setting of the appeal site or the CA.

¹ APP/C5690/W/16/3153217

² APP/C5690/D/19/3235750

5. I understand that the existing front garden layout at 107 Jerningham Road, with a bin store, flower beds, and paved area with a partly open boundary adjoining no 109 is broadly in accordance with a previous permission. The host property follows the CA's pattern of development with the main house set behind an open front garden area. It makes a positive contribution to the significance of the conservation area in this respect.
6. The proposed development would introduce a crossover which would enable vehicle parking on a hard landscaped part of the front garden. Car parking in this location, combined with a small loss of the planting area, would undermine the openness of the front garden resulting in an unacceptably developed character which would harmfully erode the pattern of development in this area in this respect. Furthermore, the appearance of the proposed plain, undetailed, rendered front wall would be out of keeping with the boundary treatment and would erode this positive characteristic of the CA. Albeit, I am not persuaded there would be harm associated with the junction between the wall and the bin store.
7. The previous boundary was a low level brick wall. Whilst it was in a poor state of repair and in non-original brick, the materials and layout which did not incorporate a crossover nevertheless broadly preserved the character and appearance of the CA as described above. Therefore, for the reasons above, the proposed development would be more harmful than the original situation.
8. Consequently, the proposed development would not preserve or enhance the character or appearance of the CA. Therefore, in this respect, it would be contrary to Policy HC1 of the London Plan March 2021, Policies 15 and 16 of the Lewisham Local Development Framework Core Strategy Development Plan Document June 2011 (CS) and Policies 30 and 36 of the Lewisham Local Development Framework Development Management Local Plan November 2014 (LP). Together these policies seek high quality design, with particular reference to boundary treatment, and require the preservation and enhancement of heritage assets amongst other things. As well as the advice in the Lewisham Local Plan Alterations and Extension Supplementary Planning Document April 2019 which states that the Council will generally resist turning front gardens into car parking unless it can be demonstrated that there would be no harm to local character.
9. Policy 14 of the CS mainly relates to sustainable movement and transport and Policy 29 of the DM mainly relates to car parking with particular reference to congestion and vehicle emissions. Therefore, the policies set out above are more relevant to this main issue.
10. Heritage assets are irreplaceable and when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. I quantify the harm identified as less than substantial, due to the scale of the development. Nevertheless, having regard to my statutory duty, I attribute considerable importance and weight to the harm that would arise in this case. The National Planning Policy Framework 2021 (the Framework) directs that such harm should be weighed against the public benefits of the scheme.
11. The proposed development would create an off street parking space which could enable electric vehicle charging. This would be an environmental benefit. However, due to the scale of the development, any benefit in this regard would

be minor. On the other hand, having regard to my statutory duty I am required to attribute considerable weight and importance to the harm I have found to the CA.

12. Accordingly, taking all the above into account, the minor public benefits would not outweigh the harm to the CA.

Conclusion

13. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed

H Miles

INSPECTOR