



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: 18 March 2022

Appeal Ref: APP/C5690/W/21/3280221

Flat 3, 8 Tyrwhitt Road, London, SE4 1QG

- 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 Donna Reynolds against the decision of London Borough of Lewisham.
 - The application Ref DC/20/119251, dated 18 November 2020, was refused by notice dated 4 February 2021.
 - The development proposed is construction of a first floor rear extension to upper ground floor flat.
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Decision

1. The appeal is allowed, and planning permission is granted for construction of a first floor rear extension to upper ground floor flat at Flat 3, 8 Tyrwhitt Road, London, SE4 1QG in accordance with the terms of the application, Ref DC/20/119251, dated 18 November 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: P001 Rev A, 20/1006/P010 and 20/1006/P020.
 - 3) The external surfaces of the development hereby permitted shall be constructed in materials to match the existing building.
 - 4) No development shall commence until detailed plans at a 1:20 scale elevation of the rear window showing the glazing and opening pattern, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is the development's effect on the character and appearance of the host building and on a conservation area in association with previous extensions to the building.

Reasons

3. The appeal relates to a detached double fronted building located on the western side of Tyrwhitt Road. It has been subdivided into 6 flats with accommodation arranged over lower and upper ground floor levels, a first floor plus rooms in the roof. Flat 3 is at upper ground floor level to southern side of the building.

4. The building has been previously extended by a lower and upper ground floor rear extension to the northern side, a lower ground floor rear extension to the southern side and a narrow lower and upper ground floor side extension to the building's southern side abutting a vehicular passageway. This provides access to the back garden and beyond this to an 'eco home' constructed on a triangular plot abutting railway land. The 'eco home' has a contrasting modern design with a high dark pitched roof which can clearly be seen from Tyrwhitt Road along the side passageway.
5. The building, 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 architectural quality of the mainly residential buildings, their settings and street scenes and open spaces. Tyrwhitt Road is one of four wide tree lined roads running north to south containing the grandest Victorian houses and villas. The appeal building is detached and lower than neighbouring terraces but is complementary in design and makes a positive contribution to the BCA.
6. Whereas the particularly ornate front elevation remains largely intact, the rear elevation has been substantially changed. The extensions post-date the designation of the BCA and adoption of Policy 16 of the Lewisham Core Strategy (2011) (LCS) relating to conservation areas and would therefore have been considered acceptable in relation to these at the time of their approval. There are also first floor rear extensions to nos. 4 and 6 Tyrwhitt Road to the north which form part of the context and setting for the proposal. The rear elevation to the terrace to the south has not been substantially changed but is separated by the side passageway.
7. The proposal would result in the loss of two narrow windows in the rear wall at first floor level. Their counterparts to the northern side of the building have already been lost through previous extensions. The single replacement rear window would be wider, but the plans indicate it to have a complementary design and proportions similar to remaining first floor rear windows and the rear window to the first floor extension to the northern side. A centrally located closet wing would be enveloped between existing and proposed rear extensions but its profile and arched window would remain intact, rising above the height of the two extensions.
8. The proposed extension's massing and design would resemble that already built to the building's northern side. Whilst it would be flush with the alignment of the original southern flank wall, the construction of the narrow two storey side extension would effectively screen the extension in views from Tyrwhitt Road. The proposal would not detract from the appearance of the building or its relationship with other buildings in the street scene. It would clearly be visible at the back of the site but would not be an incongruous addition in that it would match the existing extension and result in a balanced appearance. Having regard to the site's context behind its frontage, the proposal would be in keeping with the character and appearance of the building.
9. The proposal would have a neutral impact on the significance of the BCA. It would thereby preserve its character and appearance. There would not be conflict with requirements of the special duty set out in paragraph 5 above.

10. The proposal would not thereby be contrary to Policies 15 and 16 of the LCS which require all developments to have high quality design that conserves or enhances heritage assets. Similarly, there would not be conflict with Policies DM30, DM31 and DM36 of the Lewisham Development Management Local Plan (2014) which specify a high standard of design to development proposals, and that special attention is paid to the desirability of preserving or enhancing the character or appearance of its Conservation Areas. The proposal would be compatible with the provisions of the Brockley Conservation Area SPD being consistent with developments at the site previously deemed acceptable in relation to this document. There would not be conflict with the Lewisham Alterations and Extensions Supplementary Planning Document (2019) as the extension would be complementary to the building's existing character.
11. Section 16 of the National Planning Policy Framework (2021) on conserving and enhancing the historic environment postdates the Council's planning policies but they are broadly consistent with it. There would not be conflict with the provisions of Section 16.

Conditions

12. In addition to the statutory condition limiting the lifespan of the permission, conditions are necessary to list the plans in the interests of certainty and to require matching materials and appropriate window detailing for the extension to ensure a satisfactory appearance.

Conclusion

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

Rory MacLeod

INSPECTOR