



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: 21 MARCH 2022

Appeal Ref: APP/C5690/D/21/3289876

72 Burnt Ash Road, London SE12 8PY

- 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 Lee Wright against the decision of London Borough of Lewisham.
 - The application Ref DC/21/123433, dated 13 September 2021, was refused by notice dated 10 November 2021.
 - The development proposed is cross over application form for car access at the rear of the property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the development would preserve or enhance the character or appearance of the Lee Manor Conservation Area (CA), and the effect on the standard of amenity for existing users, with particular regard to car parking.

Reasons

Conservation Area

3. The Lee Manor Conservation Area appears to derive its significance, as a whole, from the Manor House building and gardens and the traditional housing close to it. The housing is in a grid pattern with properties facing the road with long plots to the rear. Front boundaries are generally low walls. This traditional and clearly apparent pattern of development makes a positive contribution to the character and appearance of the CA.
4. The appeal property fronts Burnt Ash Road and is on the corner with Handen Road. Its long plot is therefore highly evident and the appeal site makes a positive contribution to the significance of the CA in this respect. To the front it has two vehicle openings and hardstanding providing space for multiple cars to park. To the side it has a high boundary fence which, due to its nature and appearance, is clearly separate from the adjoining front boundaries on Handen Road. There is a dropped kerb along the side of the appeal property, in a different location to that proposed, however this does not currently serve any vehicle access to 72 Burnt Ash Road.
5. Boundaries along Handen Road are predominantly low boundary walls with small openings for pedestrian access. Some have larger openings which provide vehicle access, however these are not so ubiquitous as to form an

overriding part of the character and appearance of this road. Consequently, the traditional boundary treatment in this area makes a positive contribution to the significance of the CA.

6. I have been directed to the accesses to side gardens to Wantage Road/Micheldever Road and Thornwood Road/Manor Park. However, such openings are uncommon and do not form the immediate setting of the appeal site and in the case of the latter is outside the CA. Therefore, this does not alter the character and appearance of the area described above.
7. The proposed development would create a vehicle access in the side boundary fronting Handen Road, along with a car parking space on part of the garden. The hard surfaced, developed character of this car parking space within the private garden area of the host property would erode this long garden in a highly visible location, undermining the historic pattern of development in the CA. Furthermore, the proposed opening within the secondary side boundary would be notably different to the traditional boundaries and openings along Handen Road. It would therefore be visually jarring in this area and would be harmful for this reason.
8. The advice in the Lewisham Local Plan Alterations and Extension Supplementary Planning Document April 2019 (SPD) 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. Although this proposal relates to a rear garden, the issue that car parking should not harm local character remains relevant and the proposal would not achieve this aim.
9. As such, the proposed development would not preserve or enhance the character or appearance of the CA. Therefore, in this respect, it would be contrary to Policies 15 and 16 of the Lewisham Local Development Framework Core Strategy Development Plan Document June 2011 (CS) and Policies 30, 31 and 36 of the Lewisham Local Development Framework Development Management Local Plan November 2014 (LP). Together, in summary, these policies seek high quality design, with particular reference to alterations to existing buildings, and require the conservation and enhancement of heritage assets amongst other things.

Standard of amenity for existing users

10. The proposed development would create a single private car parking space and would result in the loss of two on street car parking spaces. These spaces are two of a limited number which may be used, for a fee, by visitors who do not have a resident's permit.
11. The removal of these publicly accessible spaces would result in the loss of this facility to the wider community. Given the scale of the development the harm in this regard would be modest.
12. The SPD includes advice regarding the problems with the conversion of front gardens to a car parking space. This includes the loss of on street parking, which is an amenity to the whole community. Whilst the proposed development relates to car parking to the rear, this matter is nevertheless relevant to these circumstances and the proposed development would result in harm in this regard.

13. As such the proposed development would not result in a high standard of amenity for existing users. In this respect it would be contrary to Policy 30 of the LP and Policy 14 of the CS which together seek car parking provision to protect operational needs and require an adequate response to access arrangements.
14. Policy 29 of the LP 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.

Planning Balance

15. 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.
16. The existing car parking area requires cars to either enter or leave the site in a reverse gear, close to a road junction. I note that the proposed car parking space would have improved sight lines. However, I am not provided with evidence that this existing arrangement has resulted in harm to highway safety. In any case, the single car parking space proposed is unlikely to replace the use of the existing access and parking area, and any reduction in the use associated with the likely infrequent movements of a single vehicle would be very limited.
17. 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. Accordingly, taking all the above into account, the very limited public benefits would not outweigh the harm to the CA.
18. Nor would the very limited benefits outweigh the modest harm to the standard of amenity of existing users outlined above.

Conclusion

19. 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