
Appeal Decisions

Site visit made on 26 April 2022

by David Cliff BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 JUNE 2022

Appeal A: APP/C5690/W/21/3289111

81 Dacre Park, London SE13 5BX

- 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 P Thompson against the decision of the London Borough of Lewisham.
 - The application Ref DC/21/122194, dated 7 June 2021, was refused by notice dated 24 September 2021.
 - The development proposed is rear conservatory.
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Appeal B: APP/C5690/Y/21/3289114

81 Dacre Park, London SE13 5BX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr P Thompson against the decision of the London Borough of Lewisham.
 - The application Ref DC/21/122195, dated 7 June 2021, was refused by notice dated 24 September 2021.
 - The work proposed is rear conservatory.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Proposed section plans CC and DD have been submitted with the appellant's appeal documents. These appear to have been previously provided with the original applications but were not updated with the remaining plans during the Council's validation process. I have taken account of these plans in my decisions and do not consider that any party has been unfairly prejudiced by this.

Main Issues

5. The main issues are whether the proposal would preserve a Grade II listed building, '73-87 Dacre Park' (Ref:1358482), and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Blackheath Conservation Area (the Conservation Area).

Reasons

Listed building

6. The appeal property is one of eight dwellings that comprise a cohesive series of linked, symmetrical pairs of early 19th century houses. They have two main storeys with a basement or lower ground floor as well as a pedimented attic.
7. As typified by similar domestic architecture from the same era, the rear elevations of these properties are relatively prosaic in comparison to the decorative stucco front elevations. However, they nevertheless reveal brickwork and a consistent pattern of fenestration that attests to the historic plan form and construction techniques of this building. These features and their regular, repeating pattern remain clearly legible and are not obscured by later projections. Whilst the rear elevations are not widely visible, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of a building can be gained. Furthermore, the sunken terrace areas immediately adjacent to the rear of the building as well as the enclosed rear gardens contribute directly to its special interest through the historic patterns of usage of this building with its enclosed private outdoor spaces.
8. Given the above, I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the legibility of traditional materials, historic fenestration pattern, plan form and building hierarchy.
9. Unlike the previous appeal proposal¹, the proposed conservatory would retain the existing basement French doors and adjacent kitchen window in the rear elevation. However, despite its position set down from the ground floor level and the contemporary glazed design, the proposal, of a considerable size, would still lead to a significant change to the physical and visual relationship of the main house to the rear garden space and to the uniformity of the rear façade. It would lead to an incongruent, alien structure that would disrupt the simple, utilitarian and largely intact character of this elevation. This would not only harm the individual dwelling but the listed building as a whole.
10. The appellant has also sought to limit the extent of excavation required, although the overall size of the lower paved terrace area section would need to be increased given the overall width of the conservatory and the need to create the new metal steps and associated railing. In spite of the retention of the existing French doors, these would effectively become internal doors leading onto a glazed enclosure of considerable size and depth that would be akin to an additional room of the house rather than it being only an enclosure of the existing external terraced area. In doing so, it would materially alter the

¹ APP/C5690/W/16/3149064 & APP/C5690/Y/16/3149090

relationship of the internal space of the house with the rear garden, introducing features that harm the hierarchy and historic plan form of the dwelling.

11. Light spill from the proposed conservatory would be likely to be limited and at times when internal lights would also be visible in other rooms in the appeal dwelling and neighbouring dwellings. Therefore in this context, lighting within the conservatory would not lead to an adverse effect upon the special interest of the listed building.
12. The appellant has sought to justify the proposal in relation to works that have been carried out to other nearby listed buildings. However, I do not find these to be the same in all respects and they only carry limited weight. At 113 Dacre Park, the glazed rear extension replaced a previously existing conservatory and the works to 32 Lee Terrace did not include a rear extension. Moreover, the full evidence upon which these decisions were made is not before me.
13. Given all the above, I find that the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.

Conservation Area

14. The Conservation Area covers an extensive area containing both areas of residential and non-residential development, with a variety of built form of varying ages and designs along with areas of open space. The appeal site is located within a residential part of the Conservation Area (Character Area 13 of the Blackheath Conservation Area Appraisal) primarily characterised by rows of good quality and well-articulated traditional terraced houses and the many generous rear gardens that create a spacious and well landscaped setting for the housing. Given the above, I find that the significance of the Conservation Area, insofar as it relates to these appeals, to be primarily associated with the historic terraced properties, their enclosed rear gardens and a generally verdant character.
15. The proposal would not be visible from the public domain and would only have limited visibility from the private domain, primarily from within the rear garden and house of the appeal site. Unlike listed buildings, the significance of the Conservation Area is dependent upon how it is experienced and proposals must be judged according to their effect on it as a whole and therefore must have a moderate degree of prominence from these domains. Therefore, notwithstanding the harm to the listed building described above, given its very limited visibility and prominence, the proposal would preserve the character and appearance of the Conservation Area.

Other Matter

16. Although the appellant refers to the Council's supportive pre-application advice, it is clear that the Council subsequently decided to refuse for the proposals for the reasons set out in its decision notice. My decisions are based on the entirety of the evidence before me and taking account of my statutory duties under the Act.

Balance and Conclusion

17. Paragraph 199 of the National Planning Policy Framework 2021 (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. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given that the proposal affects the rear elevation and layout, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.

18. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The proposal seeks to provide a benefit to the residential environment enjoyed by its occupiers. However, there is no evidence to indicate that the existing dwelling cannot be enjoyed in its own right or that preventing the proposed conservatory would lead to any risk that the dwelling could become an unattractive place to live. The continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has on ongoing residential use that would not cease in its absence. The benefits would be private and would be outweighed by the harm I have identified.
19. Given the above and in the absence of any defined public benefit, I conclude that the proposal would fail to preserve the historic special interest of the Grade II listed building. This would fail to satisfy the requirements of the Act and would be contrary to the heritage aims of Policy HC1 of the London Plan 2021, Policies 15 and 16 of the Lewisham Core Strategy 2011, DM Policies 30, 31 and 36 of the Lewisham Development Management Local Plan 2014 and the Framework. The proposal would not be in accordance with the development plan considered as a whole.
20. For the above reasons, I conclude that the appeals should be dismissed.

David Cliff

INSPECTOR