



Appeal Decision

Site visit made on 11 April 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2022

Appeal Ref: APP/C5690/D/21/3288780

14 Hilly Fields Crescent, Ladywell, London SE4 1QA

- 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 Ania and John Sheppard against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/21/123507, dated 15 September 2021, was refused by notice dated 9 November 2021.
 - The development proposed is the incorporation of 3 new rooflights into the existing front elevation roof slope.
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Decision

1. The appeal is allowed and planning permission is granted for the incorporation of 3 new rooflights into the existing front elevation roof slope at 14 Hilly Fields Crescent, Ladywell, London SE4 1QA in accordance with the terms of the application, Ref DC/21/123507, dated 15 September 2021, 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:
 - 240-B-00-050 Rev P00 (Block and Location Plan)
 - 240-B-01-100 Rev P00 (Proposed Plans – Ground Floor)
 - 240-B-01-101 Rev P00 (Proposed Plans – First Floor)
 - 240-B-01-102 Rev P00 (Proposed Plans – Second Floor)
 - 240-B-01-103 Rev P00 (Proposed Plans – Roof Plan)
 - 240-B-01-105 Rev P00 (Proposed Elevations – Sheet 1)
 - 240-B-01-106 Rev P00 (Proposed Elevations – Sheet 2)
 - 240-B-01-110 Rev P00 (Proposed Sections)
 - 3) The 3 rooflights hereby permitted shall be of a “conservation style” with black aluminium frames and set flush to the existing roof slope.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the Brockley Conservation Area.

Reasons

3. The appeal site lies within the Brockley Conservation Area ("the Conservation Area"). I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the National Planning Policy Framework ("the Framework") states that they should be conserved in a manner appropriate to their significance (paragraph 189). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 200) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 202).
4. As the *Brockley Conservation Area Character Appraisal* ("the BCACA", which was adopted by the Council in 2005) explains, the Conservation Area is predominantly residential, and was built by a number of speculative developers between the 1830s and the early 1900s. Its dwellings were built in a variety of architectural styles, including many which are rich in Italianate or Gothic detailing. The wide, tree-lined roads and generous front and rear gardens give the area a green and spacious appearance. In my view, the significance of the Conservation Area is derived primarily from the combination of the quality of its buildings, streets and open spaces, which together illustrate the growth and development of an affluent Victorian suburb.
5. The appeal property is a two-storey, semi-detached dwelling on the north side of Hilly Fields Crescent. It faces the open parkland of Hilly Fields, which makes a significant contribution to the area's pleasant and verdant character. No 11 to No 20 Hilly Fields Crescent is a group of pairs of semi-detached houses of relatively unadorned and simple design, including the appeal property (No 10 is a detached house of the same style). The BCACA describes them as "small cottage-like terraces" with "small lush front gardens"; however, while they may be modest in size when compared to the grander villas and terraces within the Conservation Area, they are double-fronted properties which by most standards might be better described as generously-sized and perhaps even substantial.
6. The proposed development is the installation of three rooflights on the front roof slope, as part of a loft conversion to provide additional living space within the property. The BCACA identifies rooflights as an element damaging or threatening to the character of the Conservation Area, noting that they "add visual clutter to plain roofslopes which were not historically pierced with openings". The 2006 *Brockley Conservation Area Supplementary Planning Document* ("the BCA SPD") advises that rooflights on front roof slopes are not suitable due to their intrusive impact on the regular appearance of roofs in the area. The more recent 2019 *Alterations and Extensions Supplementary Planning Guidance* ("the A&E SPD") advises that in Conservation Areas, "where traditional 'conservation style' rooflights have been established as an accepted and prevailing characteristic on front roofslopes, proposals for small 'conservation style' rooflights may be acceptable".
7. I acknowledge that, based on both the evidence put before me and my own observations on my site visit, rooflights on front roof slopes are not at all a common feature of the Conservation Area as a whole. However, the BCACA also notes that Hilly Field Crescent has the highest proportion of properties with rooflights in the Conservation Area. Within the small group of similar houses including the appeal property, they are a very common feature – I saw that

Nos 11, 12, 16, 17 and 18 Hilly Fields Crescent all have front rooflights. The Council has stated that two of the examples nearby are the result of planning permissions granted in 2012 and 2016, and so pre-date the adoption of the A&E SPD (although they were permitted after the adoption of the BCA SPD), and that as there are no planning records for others they “must have been installed either unlawfully or a long time ago”. However, there is nothing before me to suggest that the Council has taken, or is considering taking, any form of enforcement action in respect of any perhaps unlawful rooflights nearby. In my view, the appeal property is in an area, albeit a very small one, where front rooflights are an established part of the streetscene.

8. I accept that the other examples of rooflights nearby do not appear to conform with the guidance in the A&E SPD – they either protrude above the roof slope, are relatively wide, set at different heights on the roof, neither evenly-spaced nor aligned with the windows below, or a combination of all of these. With the proposal before me, however, the particular harm which the BCACA notes can arise from unsympathetically designed rooflights would be avoided; the rooflights would be of a “conservation” type, of moderate size, mounted flush with the roof slope and aligned with the first-floor windows below. While they would be visible from Hilly Fields Crescent in front of the appeal property, and for a short distance on either side, their design and siting would make them a relatively discreet addition in the context of a small part of the Conservation Area where rooflights are commonplace. In longer views towards the appeal property, from and across Hilly Fields, the rooflights would be screened from view either by the topography or by the mature trees around and within the park.
9. Taking all of these factors together, and notwithstanding the conflict with the advice in the BCA SPD in respect of rooflights, I am satisfied that the character and appearance of the Conservation Area would be preserved. The proposed development would therefore comply with Policies 15 and 16 of the 2011 Lewisham Core Strategy, with DM Policies 30, 31 and 36 of the 2014 Lewisham Development Management Local Plan, and with Policy HC1 of the 2021 London Plan. Together, and among other things, these policies seek to ensure that development is well-designed and respects local character (including in appearance and materials), that rooflights on front slopes are considered in relation to the design of the host dwelling, and that the character and appearance of heritage assets (including Conservation Areas) is preserved or enhanced.
10. The proposal would also comply with the provisions of the Framework which seek to conserve and enhance the historic environment. As I do not find that the development would cause harm to the heritage assets, it is not necessary to apply the public benefit test set out in paragraph 202 of the Framework.

Other Matters

11. I have considered the argument set out in the Council’s officer report (which was also made by interested parties responding to the planning application consultation) that a grant of planning permission would set a precedent for other similar developments within the Conservation Area. However, each application and appeal must be determined on its individual merits, and as I have described I have reached my decision having regard to the particular and

very local circumstances of the appeal site and its neighbouring properties, as well as the specific details of the proposed rooflights.

12. Similarly, the appellant drew my attention to two grants of planning permission for front rooflights elsewhere within the Conservation Area, at 12 Chalsey Road¹ and 50 Chalsey Road². I was able to view those other properties at the time of my site visit; as well as being physically and visually separate from 14 Hilly Fields Crescent, Chalsey Road has a very different character. Given this, the grants of planning permission by the Council in those cases had a negligible bearing on my determination of this appeal, which again was reached on the basis of the planning merits of the specific proposal.

Conditions

13. In addition to the standard time limit condition, I have specified the approved plans so as to provide certainty. In order to protect the character and appearance of the Conservation Area I have also imposed a condition requiring the permitted rooflights to be of a conservation style, in a black finish, and set flush to the existing roof slope.

Conclusion

14. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

M Cryan

Inspector

¹ LPA Ref: DC/21/120686

² LPA Ref: DC/21/120665