



Appeal Decision

Site visit made on 21 November 2022

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 25 NOVEMBER 2022

Appeal Ref: APP/C5690/W/22/3304156

Loampit Gospel Hall, 2 Undercliff Road, Ladywell, London, SE13 7TT

- 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 Anthony Uzoh against the decision of London Borough of Lewisham.
 - The application Ref DC/21/124227, dated 8 November 2021, was refused by notice dated 1 February 2022.
 - The development proposed is: Removal of existing parapets and high level chimney stacks to address structural issues present.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by the appellant against the Council. That application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The Gospel Hall (Hall) is a three-storey brick building purpose built by the Welsh Presbyterian Church in the early 20th century. It is located on rising ground at the end of a long terrace of modest two storey villa style dwellings. It has gothic arched windows on the front elevation's ground floor and a brick and stone castellated parapet, along with brick and rendered stacks. The decoration on the front elevation also extends to decorative brick work and stone lintels. The Hall has a highly distinctive presence in the street scene arising from its additional height, and its architectural detailing.
5. The extent of cracking on the parapet corners and loss of mortar on the brick stacks, is greater than that shown in the design and access statement, which contains very limited information. The defects in the parapet appeared to be related to the emergence of down pipes from the concealed roof. I also noticed that one of the rendered stacks appeared to have a slight lean. I do not doubt that works are needed to address these issues for the ongoing integrity of the building and health and safety.
6. The shallow roof slopes behind the parapet were not intended to be visible from the street, and their exposure would detract from the Hall's appearance,

particularly as the nearby dwellings appear to have steeper slopes. The removal of chimney stacks would also remove features in the local roofscape. Consequently, the Hall would have a rather bland appearance, with an associated diminution of its distinctiveness. This would detract from the street scene. The fact that the nearby dwellings do not have this parapet feature reinforces the Council's arguments that this is a building with unique architecture, clearly designed to stand out and above the nearby terraces.

7. The reason for the removal of parapets to the rear single storey extension is not set out in the design and access statement. This has examples only of defects on the high-level roof. Works to the rear extension would be concealed from the street scene. Although there is no clarification as to whether the extension is part of the original Hall plan form, I conclude that even if it was, there would be only a minor loss of distinctiveness. Nonetheless, in the absence of any evidence requiring these parapets to be removed I see no benefit to include in any planning balance in relation to these works.
8. As it is the differences between the Hall and the nearby terraces, and its unique detailing that contribute to its distinctiveness, I give no weight to the appellant's arguments that removal of the parapet would be more in keeping with the underlying building plan. Moreover, removal of the high-level parapet would expose a roof that was not originally intended to be seen. The development would diminish the building's contribution to the street scene and erode its uniqueness.
9. I conclude that the proposals would result in harm to the character and appearance of the area. This would be contrary to Policy 31.1 of the Development Management Plan (DMP) which states that development proposals for alterations and extensions will be required to be of a high, site specific and sensitive design quality and respect and/or complement the form, setting, period, architectural characteristics and detailing of the original buildings, including external features such as chimneys. I see no reason from this policy text to conclude that roof parapets are excluded. This policy is supported by the more general design aims of Policy D3 of the London Plan, DMP Policy 30 and Policy 15 of the Core Strategy (CS). Although the DMP and the CS predate the Framework, there is no conflict between the Framework's overall design aims and those in the policies cited. As such, I give the policies of the local development plan full weight.
10. The development would also be contrary to the general guidance given in the Alterations and Extensions SPD (SPD) which sets out that the architectural integrity of a building must not be harmed by any roof extension or alteration. The SPD also notes that chimney stacks should be retained where possible. These principles apply whether the building in question is covered by statutory designations or not. The proposals would also conflict with the general design principles set out in Paragraph 126 of the National Planning Policy Framework (the Framework).

Fall-back

11. It is argued by the appellant that if the Hall was sold and its use class changed, the proposals would be allowed as permitted development. This may be the case, but the weight given to a fall-back scheme is proportionate to the likelihood of its occurrence. This argument pre-supposes that the Council would give permission for a change of use and there is nothing before me to

suggest that that would be the case. As the sale of the building would not automatically enable that change of use, I give the fall-back limited weight.

Other matters

12. At appeal the appellant has advanced the argument that the structural works to repair the parapet and the chimney stacks would be in the region of £35 – 40,000 and that the proposed works would be substantially cheaper. However, there is no supporting evidence in this regard or any indication as to the extent of the works covered by this figure or a comparison between the repair costs and the costs of the works before me. Moreover, there is nothing before me with regard to the Hall's assets or income. As such, I can give limited weight only to the arguments that the church is unable to pay for the required works and that the proposals represent the most affordable option.
13. Moreover, whilst I appreciate that the appellant is a registered charity, it does not necessarily follow that financial arguments will weigh in favour of the appeal, which is based on its planning merits. In any case, that information would not necessarily represent a material consideration sufficient to outweigh the harm identified in relation to the character and appearance of the area
14. The appellant refers to Paragraph 84 (d) of the Framework. This paragraph is headed Supporting a Prosperous Rural Economy. The appeal site is not in a rural location and as such this paragraph carries no weight in favour of the appeal.
15. The appellant also draws my attention to other paragraphs in the Framework which support community facilities and sustainable development. However, Paragraph 12 of the Framework states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. I have found harm in relation to policies in the development plan and I have also found that the material considerations relating to financial viability have not been shown to outweigh that harm.
16. CS Policy 19 sets out to work with partners to ensure a range of community facilities are provided, protected and enhanced. However, whilst this policy could perhaps underpin an argument in relation to the maintenance of community assets, the design and access statement does not mention viability. As such, and notwithstanding my reasoning above, there is no reason why the Council should have included viability in its assessment.
17. I acknowledge that the Hall is not protected by local or national heritage listings, but this does not alter the weight I give to the policies in the local development plan.
18. I also acknowledge that dwellings would be able to carry out these works under permitted development rights, but this is not a dwelling. Moreover, the statement of appeal indicates that the Hall was purpose built in the early 20th century as a place of worship. Notwithstanding that it has a residential flat on its upper floors, it has never been a dwelling.
19. The lack of objections to the proposals are not determinative, as there may be many reasons why local people do not object.

Conclusion

20. I conclude that there would be conflict with the local development plan and the London Plan taken as a whole and that there are no material considerations of sufficient weight to lead me to a different conclusion. The appeal is dismissed.

A Edgington

INSPECTOR