



Appeal Decision

Site visit made on 14 November 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/C5690/W/22/3297613

23 The Glebe, London SE3 9TG

- 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 J McDonnell against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/21/123412, dated 1 September 2021, was refused by notice dated 8 November 2021.
 - The development proposed is construction of a 2 bedroom, 3 persons 2 storey attached house at land adjacent no 23 The Glebe, Blackheath, London, SE3 9TG.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on the character and appearance of the area including the Blackheath Conservation Area; and on nearby trees.

Reasons

Character and Appearance

3. The appeal site is land at the side of 23 The Glebe, a two storey end terrace dwelling. It is located within the Blackheath Conservation Area (the CA). The Glebe comprises what the CA Appraisal¹ describes as a small group of Italianate and Gothic villas built around a horse shoe shaped street. There are also a number of more recent developments including the terrace in which the property sits, apartment buildings and a number of semi-detached two storey dwellings.
4. From the evidence before me and my site visit observations, the significance of the CA is derived, in part, from the architectural and historic interest associated with the development of the area. This includes the spatial arrangement of the buildings with each other and the surrounding spaces, incorporating the building lines, the garden settings of the larger villas, trees and other vegetation and boundary walls.
5. It is generally the larger properties set within generous plots with large trees and extensive garden and boundary planting, together with the street trees that gives the street scape a verdant and spacious character and appearance that contributes positively to the significance of the CA. The appeal property

¹ Blackheath Conservation Area Character Appraisal and Supplementary Planning Document, March 2007

itself does not make a positive contribution to the character and appearance of the CA. Nevertheless, there is a sense of spaciousness around the terrace in which it sits. Furthermore, albeit from localised vantage points, the gap between nos. 23 and 25 allows for views through the built form. This includes views of the tree canopy visible to the rear of the terrace, including trees within the public open space at Lawn Terrace. These characteristics do contribute positively to significance.

6. Despite being set back from the front and down from the ridge, due to the space the proposed dwelling would occupy, built form would all but fill the side of the plot and significantly reduce the gap between nos. 23 and 25. A more cramped built form would result, and this would erode the spacious character of the street scene in this location. The proposed dwelling would close off views to the rear through the gap between nos. 23 and 25. This would greatly diminish the extent of tree canopy that would be visible in vantage points along The Glebe. The use of materials and architectural forms that would match the host property would not adequately mitigate this harm.
7. The proposal, with particular regard to its positioning and scale, would not therefore preserve the character or appearance of the CA and would harm its significance. The harm that would arise would be localised and therefore the impact on the CA as a whole would be less than substantial. Nevertheless, less than substantial harm does not equate to a less than substantial planning consideration. Accordingly, the National Planning Policy Framework (the Framework) sets out how any harm should require 'clear and convincing justification'.
8. In such circumstances the Framework states that harm should be weighed against the public benefits of the proposal. The proposal would contribute (numerically) to housing supply on a small site, in a location that is close to services and facilities. That it has been presented with no specific parking provision may encourage future occupants to adopt more sustainable modes of transport. Those implications may be considered positive public benefits, however the weight that I can ascribe them in terms of one dwelling is inevitably limited. As such, they would not outweigh the harm that I have identified, which the Framework requires me to give great weight to.
9. I therefore conclude that the proposal would significantly harm the character and appearance of the area, and in doing so would fail to preserve the character or appearance of the CA. It would therefore conflict with Policy HC1 of the 2021 London Plan, Policies 15 and 16 of the Core Strategy Development Plan Document, adopted 2011 (the CS) and DM Policies 30, 33 and 36 of the Development Management Local Plan, adopted 2014 (the DMLP). These policies seek to secure high quality design that responds to local distinctiveness and preserves the significance of heritage assets, amongst other matters. There would also be conflict with part 16 of the Framework, the relevant requirements of which have been summarised above, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the CA Appraisal.

Trees

10. Both sides of The Glebe are lined by relatively tall street trees including one which sits within the pavement very close to the site. There is also a substantial tree within the front garden of 25 The Glebe close to the site

boundary. These trees make a positive contribution to the character and appearance of the area, including the CA. From my site visit observations, the site itself appears to be relatively free from vegetation.

11. An Arboricultural Impact Assessment² (AIA) was submitted with the application. However, this relates to a rear single storey extension to no. 23 rather than to the appeal scheme, although it does show that the root protection areas of the two nearby trees extend into the site.
12. The appellant contends that there is sufficient information in the AIA to demonstrate that the proposed development would have an acceptable impact on the nearby trees. However, the proposed dwelling would be in a different location, much closer to the two trees and would be of a larger and more intrusive scale than the rear single storey extension. In the absence of details specific to the proposal under consideration, it is not possible for me to agree with the appellant's assertion. It seems to me that the two nearby trees could be adversely affected, which would harm the character and appearance of the area.
13. I note the appellant's suggestion that an AIA condition could be imposed. However, given the important contribution that the trees make to the character and appearance of the area, including the CA, it is important to understand the possible effects before a decision is made on the acceptability of the proposal.
14. I therefore conclude that it has not been adequately demonstrated that the proposed development would not harm the nearby trees. Consequently, it would conflict with the requirements of Policies G7 and HC1 of the London Plan, Policies 12, 15 and 16 of the CS and DM Policies 25, 30 and 36 of the DMLP. Collectively, these policies seek to protect environmental assets including trees and features that contribute to the significance of heritage assets.

Other Matters

15. The appellant has drawn attention to examples of development that it is contended lend support to the proposal. Three relate to single storey side extensions on The Glebe where the open space above would maintain some visual sense of spaciousness between the properties. The two storey extension at no. 25 does not extend to the side boundary of the property thereby retaining a gap. The dwelling at 50 Lawn Terrace, although built close to its boundary, nevertheless has a reasonably large gap between it and the neighbouring property. The remaining two examples are significantly different in context to the appeal site. I cannot therefore draw any direct comparisons with the appeal scheme that would weigh in its favour.

Conclusion

16. The proposed development would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. Therefore, for the reasons given, the appeal should not succeed.

F Wilkinson

INSPECTOR

² Arboricultural Impact Assessment: 23 The Glebe, Blackheath, Hardy Urban Forestry, 20/07/2021