



Appeal Decision

Site visit made on 29 November 2022

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2022

Appeal Ref: APP/C5690/W/22/3298796

Garage Site, Breakspear Mews, London, SE4 1PY

- 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 Mrs Lorna Buchan against the decision of London Borough of Lewisham.
 - The application Ref DC/21/123585, dated 24 September 2021, was refused by notice dated 23 November 2021.
 - The development proposed is the erection of a Steel Gate 2100mm high for deterrent and security purposes within garage site on private ground.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area, I have had regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Accordingly, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Brockley Conservation Area (the 'CA').

Main Issues

3. The main issues are whether the proposal would preserve or enhance the character or appearance of the CA; the effect upon the integration, permeability and cohesiveness of the local neighbourhood; and whether the proposed development would result in harm to pedestrian safety on Ashby Road.

Reasons

Character and appearance of the Conservation Area

4. The appeal site is located on a southern section of Breakspear Mews, which is bisected from the northern section by Ashby Road. This southern section of Breakspear Mews contains several garages and workshops and ends in the community garden. While the surrounding area is predominantly residential in nature, during my site visit I observed that some of the garages were being used for light industrial activities. An existing metal gate is already located on the appeal site where the garages become available, albeit it is of a lesser height than the proposed development.
5. The CA covers an area which encompasses Breakspear Mews and several of the highways and properties around it. The significance of the CA is derived from

the residential terraces which date from the 1830s. Although there is some variation in the overall design of houses within the CA, the wide tree-lined roads with large front and rear gardens in combination with the mews in the area, add to the area's attractive, spacious and leafy appearance. The mews function to serve as unmade service roads running behind houses. They are characterised as containing mature trees, single-storey garages and enable views to the rear elevations of the tall Victorian houses. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the proposed alteration to the uniform period appearance and rhythm of rear elevations within the CA. The application site contributes positively to the CA, by enabling public access to such views.

6. This proposal would permit the construction of a 2100mm high steel gate located midway through the appeal site. Accordingly, due to the height and clear sight lines from Ashby Road, the gate would be highly visible from the public domain. As such, in combination with the existing gate, the proposed development would create a "double-gated" aspect to the mews. As such, it would give the mews an incongruous, intimidating and hard appearance. Accordingly, the nature of the proposed development would be inconsistent with the historic qualities of this part of the CA and the ability of the public to access views to the rear elevations of historic properties. It would therefore be capable of harming the wider character and appearance of the CA as a whole, affecting the appearance of the rear elevations of properties in the area. The Appellant disputes the Council's comments that the mews should not be gated. However, no information has been provided in relation to the historical aspects of the site. As such, it has not been demonstrated that the proposed development would be compatible with the CA. Given the above, I find that the proposal would fail to preserve the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
7. 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 or from development within their setting and that this should have a clear and convincing justification. Given the appearance of the gate, I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
8. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The Appellant referred to the prevention of fly tipping as a public benefit. However, there is insufficient information before me which outlines the extent of illegal fly tipping activities on the appeal site or how effective the proposed development would be in resolving them. Accordingly, there are no public benefits which are sufficient to outweigh the harm that I have identified.
9. The Appellant points out that planning permission has been granted for similar gates, specifically in relation to a gate which was installed 35 metres south of the appeal site. It is assumed that this is the gate outside Breakspear Community Garden. However, I am not aware of the particular circumstances of that development. In any event, I must consider the appeal scheme on its

own merits, and in the context of the current policy regime which requires such additions to respond to local distinctiveness. As the appeal site is located within a CA, this does not undermine the requirement for the appeal scheme to respect local character.

10. I conclude that the proposal would fail to preserve the character and appearance of the CA and would cause less than substantial harm to its significance as a designated asset. In the absence of any public benefits to outweigh this harm it would be in conflict with Policy 15 of the Lewisham core Strategy (2011), DM Policy 30 of the Lewisham Development Management Local Plan (2014) and Section 16 of the NPPF (2021), specifically the need for development to be of the highest quality design. Additionally, the visual impact of the proposed development would have a harmful effect on the character and appearance of the CA, contrary to Policy 16 of the Lewisham core Strategy (2011), DM Policy 31 and DM Policy 36 of the Lewisham Development Management Local Plan (2014) and the Alterations and Extensions Supplementary Planning Document (April 2019).

Integration, permeability and cohesiveness of the local neighbourhood

11. The appeal site provides both vehicular and pedestrian access to the Breakspear Community Garden. As such, the proposed development would close off the mews to the public, regardless of whether it would be locked, by indicating visually that the space has become 'no entry' for the public. While the garden may still be accessed by pedestrians through an alternative route along Wickham Road, the proposed development would still make it more difficult for vehicles to access the garden. This would have an adverse effect on the existing transport network and those in the community who require vehicular access to reach the gardens.
12. Therefore, the proposed development would have an unacceptable effect upon the integration, permeability and cohesiveness of the local neighbourhood. This would be in conflict with Policy A1 of the Camden Local Plan (2017), which seeks to manage the impact of development on communities.

Harm to pedestrian safety

13. At present, by using the space available at the end of the appeal site, it is possible for vehicles to be reoriented to exit back onto Ashby Road from a forward position. The location of the proposed development would prevent this from occurring, as there would be insufficient space for a car to turn around in the remaining section of the appeal site. As such, any vehicle which is unable to access the appeal site would be forced to reverse back onto Ashby Road.
14. I have considered the Appellant's representations that vehicles may choose to reverse into the mews from Ashby Road, thereby making it easier to drive forward when leaving the site. This underlines how important it is for vehicles to be able to leave the mews by driving forward, rather than reversing. As such, I consider that the proposed development would make it more difficult to leave the site driving forward.
15. Due to the orientation of Ashby Road, I consider that the proposed development would require the vehicle to reverse into incoming traffic and towards pedestrians who may be using the footway. In addition, they would be

impeded by the limited sight lines available at the exit onto Ashby Road, which is flanked by a large building and short wall.

16. As such, I consider that the proposed development would have an unacceptable effect upon the safety of pedestrian and vehicular traffic along Ashby Road. This would be in conflict with Policy A1 of the Camden Local Plan (2017), which seeks to address transport impacts which affect communities.

Other Matters

17. I have considered representations regarding the benefits of preventing fly tipping and providing enhanced security for the garages along the appeal site. In relation to the presence of the existing gate to deter such activities, no information has been provided by the Appellant as to why it is ineffective to prevent fly tipping or what additional benefit the proposed development would bring to prevent garages being broken into. As such, I consider that the submitted information fails to demonstrate that the proposed development would be justified or effective on security grounds.
18. I have also considered representations regarding the enforcement by the landlord against tenants who use the garages for commercial activities. However, I consider that there are viable alternative means to secure this objective. There is no information before me regarding why the existing gate would not be effective for this purpose. As such, this is not a matter which affects my findings on the main issue.

Conclusion

19. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

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INSPECTOR