



Appeal Decisions

Site visit made on 21 November 2022

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2022

Appeal A Ref: APP/C5690/W/22/3294795

25-27 Tranquil Vale, Blackheath, LONDON SE3 0BU

- 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 Mehmet Bayramoglu against the decision of London Borough of Lewisham.
 - The application Ref DC/21/124506, dated 25 November 2021, was refused by notice dated 2 February 2022.
 - The development proposed is Alterations to the front of the building and rear double extension - Revised scheme to DC/20/118109
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Appeal B Ref: APP/C5690/Y/22/3294796

25-27 Tranquil Vale, Blackheath, LONDON SE3 0BU

- 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 Mehmet Bayramoglu against the decision of London Borough of Lewisham. The application Ref DC/21/124507, dated 25 November 2021, was refused by notice dated 2 February 2022.
 - The demolition proposed is Alterations to the front of the building and rear double extension - Revised scheme to DC/20/118109
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Decision

1. Appeal A is dismissed
2. Appeal B is dismissed and listed building consent refused.

Applications for costs

3. An application for an award of costs has been made by the appellant against the Council. This is the subject of a separate decision.

Preliminary Matters

4. Although there are two appeals before me, I have dealt with them together where appropriate to avoid duplication.

Main Issues

5. The main issues are:
 - Whether the development would preserve the Grade II listed building of 25 -27 Tranquil Vale, or any special features including setting, and preserve or enhance the character or appearance of the Blackheath Conservation Area (BCA) (Appeals A and B); and,

- The effect of the proposals on the amenities of users of adjacent buildings, with regard to outlook, (Appeal A).

Reasons

Heritage Assets (Appeals A and B)

25-27 Tranquil Vale

6. Numbers 25-27 Tranquil Vale (Nos 25-27) date from the 18th century, and are mid terrace buildings with two storeys, basement and attic. The front elevation has ground floor retail outlets with late 19th century shop frontages which form an integral part of Blackheath's historic and commercial centre.
7. To the rear, Nos 25-27 have a two-storey flat roofed extension of similar depth to the original buildings. This runs across the rear elevation of Nos 25-27 but does not obscure the first floor rear windows. There is a further single storey extension which steps down the slight slope, which extends approximately 14 metres further into the rear of the plot. Numbers 25-27 have one of the longest rear plots in the terrace, with rear access to a narrow and cobbled private lane. The appeal site is in full view from this lane.
8. The significance of Nos 25-27 arises from the historic and broadly intact principal elevation fronting Tranquil Vale, and the positive contribution it makes to the street scene and the BCA. There is also significance in its relationship and contribution to the architectural consistency of the period terrace as a whole. This extends from the rear lane running beside the station, to the trafficked section of Collins Street to the west. The underlying building pattern of narrow buildings fronting a main thoroughfare, with long rear plots on this side of the road, reflects the early commercial development of Blackheath.
9. The proposals at the rear of Nos 25-27 would comprise the demolition of the single storey extension and its replacement with a two-storey extension with a zinc mansard roof. It would extend across almost the entire width of the rear plot, and would present to the plots on each side as blank, featureless walls with a height of some 5 metres to the base of the mansard roof. This would be in addition to the existing two storey rear extension which is itself oversized in comparison with the host building.
10. The proposed extension's overall height, length and width would be significantly taller than the existing single storey extension and would therefore represent a significant intrusion into the space at the rear of Nos 25-27. This would appear incongruous compared to the openness of the plots on each side, and where rear extensions are of a far smaller scale and extent.
11. At my visit a double gate to a property with a side boundary along Collins Street was open. There was a clear view across the rear of the yard to the rear elevation of Nos 25-27. From this viewpoint the extension would appear to fill much of the apparent void behind the building line and the zinc mansard roof would extend to within about 1 metre of the current extension's flat roof. The featureless flank elevation would also be highly visible from this location and would give inappropriate enclosure to these rear plots.
12. I conclude that the extension would be overly large with regard to the host building and would intrude into the underlying building pattern. This would result in the diminution of Nos 25-27's significance.

13. The proposals include internal alterations and works to the front entrances. However, the Council has concluded that much of the original internal detail has already been removed and that the proposals would not detract from significance in this regard. Nor has the Council found particular harm to the proposals for the front entrance and ramp, and has concluded that details could be controlled by condition. I see no reason to disagree.

Blackheath Conservation Area

14. The BCA's appraisal sets out that the Village comprises two converging streets, and that the *underlying topography and tight urban grain make this is a memorable part of the conservation area with a strong sense of place*. It also notes that *a walk around the back of Tranquil Vale reveals a complexity of plan and early forms of extension and alteration* and highlights the commercial pressure on the very tight plan of the village core.
15. I conclude that the significance of this part of the BCA is derived from its intact historic fabric, the tight urban grain and the underlying building pattern with its surprisingly large plots, to the north of the station.
16. The proposals would intrude into the apparent openness at the rear of the terrace fronting Tranquil Vale with an inappropriate degree of bulk and mass. This would diminish the significance arising from the underlying building pattern.
17. I noted at my visit that the trees in the rear plot of 23 Tranquil Vale would not screen the proposed extension to any great extent. I was not able to see into the rear plot of 29 Tranquil Vale but the plans suggest that the extension's flank wall would be less than 1 metre from its garden boundary. In any case, vegetation cannot be presumed to exist in perpetuity.
18. I appreciate that the proposals have been reduced in extent and more detail and articulation added to the roof proposals, but this does not alter my reasoning.
19. I conclude that with regard to both the listed building and the BCA, the proposals would amount to less than substantial harm. The proposals would not therefore preserve the listed building, or preserve or enhance the character or appearance of the BCA. This would lead to conflict with Policy D3 of the London Plan (LP) which requires development to respond to a site's context, and LP Policy HC1 which requires development to safeguard heritage assets. There would also be conflict with Policies 15, 30 and 31 of the Development Management Plan (DMP) and Policy 16 of the Core Strategy (CS). These, taken together, require high quality design and an expectation that development will conserve and enhance the borough's heritage assets and the significance of their settings.
20. The development and works would also conflict with Sections 16(2), 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) with regard to the requirement to safeguard designated heritage assets, including their settings.
21. The proposals would also conflict with the Alterations and Extensions SPD which states that two storey rear extension are generally not acceptable in conservation areas.

22. Paragraph 199 of the National Planning Policy Framework (the Framework) states that great weight should be given a designated heritage asset's conservation. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
23. The appellant advances the argument that the town would benefit from a national supermarket. However, there is no supporting evidence in this regard. Nor is there evidence before me that the shop would fall into disuse as a retail outlet if the appeals were dismissed. As such, I give minor weight to the arguments that the extension would have public benefits with regard to viability and vitality.
24. Moreover, whilst I appreciate that there may have been a loss of income during COVID-19 lockdown, the reasons for this particular business's decline may be unrelated to COVID. I recognise that my visit was a snapshot in time, but the town centre appeared to be thriving with very heavy footfall.
25. The BCA Society recognises that the current proposals are an improvement on the previous application. I disagree that its comments give particular support to the appeal proposals.

Living conditions

26. It appears that the rear plots of 23 and 29 Tranquil Vale are used as amenity space. The height and blank walls of the extensions flank would intrude into the openness behind this terrace and would be overbearing, having a detrimental impact on outlook for users of that amenity space. It would be particularly noticeable in the case of No 29 as much of the rear space is already enclosed on one boundary by the existing two storey extension at Nos 25-27. This would be contrary to CS Policy 15 and DMP Policy 31 which taken together, are concerned with living conditions for occupiers of adjoining buildings.

Other Matters

27. The appellant's appeal statement highlights a number of paragraphs in the Framework which encourage the efficient use of land, recognise that heritage assets can contribute to economic vitality and sustainability, and look for opportunities within conservation areas. Nonetheless, Paragraph 12 of the Framework sets out 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. Moreover, although the DMP and the CS predate the current edition of the Framework there is nothing before me to suggest that the cited policies are inconsistent with the Framework. Therefore, I give those policies full weight.
28. The appellant has drawn my attention to other permissions in the Council's area. However, these do not appear to be situated close to the appeal site and in any case are not directly comparable to the appeals before me. As such they weigh neither for nor against the appeals.
29. The officer's report states that the principle of creating a larger retail unit is supported subject to details, but this does not alter my reasoning or conclusions.

30. The fact that the Council's reasons for refusal are unchanged from the previous application indicates that the identified harm remains the same as the previous application. I acknowledge that the Council's decision refers to paragraphs in the 2019 Framework, but I am satisfied that its reasoning with regard to the extension's overall design, scale, bulk and massing, as well as local plan policies, is relevant to these appeals.
31. The appellant has argued that the Council has failed to indicate what might be acceptable and also raises procedural concerns. However, these are the subject of the application for an award of costs.
32. The BCA and the owner of the taxi firm on the cobbled section of Collins Street have raised concerns in relation to vehicular access. The lane is a private road and is currently used for parking and access by the taxi firm. However, it also seems likely that the Nos 25-27 also uses this rear access. The Council has not suggested any conditions, but in principle I see no reason why access could not be controlled by condition if the appeal was allowed.

Conclusion

33. The proposals would be contrary to the Act and the Framework as well as the relevant policies of the local development plan. There are no material considerations of such weight to lead me to conclude otherwise.
34. Appeal A is dismissed.
35. Appeal B is dismissed, and listed building consent is refused.

A Edgington

INSPECTOR