



Appeal Decision

Site visit made on 13 December 2022

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 JANUARY 2023

Appeal Ref: APP/C5690/D/22/3306698

109 Brightfield Road, Lewisham, London SE12 8QG

- 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 Nik Haukohl against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/22/126766, dated 13 May 2022, was refused by notice dated 8 July 2022.
 - The development proposed is the installation of external wood fibre insulation (with brick slips to match existing) around the outrigger at first floor level, the installation of a lightwell within the front garden to allow natural light into the basement, additional soft landscaping and permeable paving added to the front garden layout and removal of a chimney stack.
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Decision

1. The appeal is dismissed insofar as it related to the removal of a chimney stack. The appeal is allowed and planning permission is granted for the installation of external wood fibre insulation (with brick slips to match existing) around the outrigger at first floor level, the installation of a lightwell within the front garden to allow natural light into the basement, additional soft landscaping and permeable paving added to the front garden layout, at 109 Brightfield Road, Lewisham, London SE12 8QG, in accordance with the terms of the application, Ref DC/22/126766, dated 13 May 2022, so far as relevant to that part of the development hereby permitted and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The submitted plans include details of an extension allowed on appeal¹, in March 2022. My determination of this appeal relates only to the works referred to in the description of development in the banner heading above. I have however, had due regard to the planning history that has been brought to my attention.
3. There is no dispute between the parties regarding the proposed installation of external wood fibre insulation, finished in brick slips to match the brickwork of the existing dwelling, around the outrigger at first floor level or to the new permeable paving and soft landscaping in the front garden. I have therefore focussed my decision on the proposed removal of the chimney and the proposed front lightwell.

¹ APP/C5690/D/21/3286246

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the dwelling and the Lee Manor Conservation Area (the CA).

Reasons

5. There is a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
6. The late 19th century planned dwellings on Brightfield Road and their original features form part of the special significance of the CA.
7. No.109 Brightwell Road is a two-storey house with front and rear walled gardens. It is located on the end of a terrace comprising approximately 10 dwellings but is slightly different in terms of materials and fenestration to the other dwellings in this row. It retains original features including chimney stacks, a ground floor bay window, recessed timber sliding sash windows with decorative brick detailed surrounds and a recessed decorative arched porch. The well preserved traditional appearance of this dwelling makes a positive contribution to the character and appearance of the CA.

Removal of Chimney

8. Whilst I note that chimneys have been removed from other properties in the area, I am unaware how long ago this occurred or of the circumstances surrounding their removal. Notwithstanding this, chimney stacks remain a common feature of the houses and rear outriggers in this area, which are visible from the adjoining public park and make a positive contribution to the traditional and historic architectural character and appearance of the area.
9. I am aware that planning permission has been granted for the removal of another chimney stack at the rear of the appeal property. However, this permission related to a smaller and less prominent chimney that is not replicated on the other rear outriggers in this row of terraces.
10. Although the existing rendering on part of the chimney is somewhat unattractive, there are other means of addressing this. There is no evidence before me to demonstrate that the render could not be removed or clad in new bricks to enhance its appearance, as proposed on the previously approved plans I have been provided with. Moreover, the part of the chimney stack that is visible in the roofscape is of traditional brickwork with clay pots.
11. I acknowledge that the side elevation of the house is bound by a public park and could potentially be subject to vandalism. However, no evidence of any vandalism or how this would be prevented by the removal of the chimney stack has been provided.
12. In the previous appeal decision relating to this property, the Inspector found that public benefits, in terms of improving the appearance of the flank wall and the insulation of the property, would outweigh the loss of a smaller and less prominent chimney stack. However, the proposal before me would result in the loss of a second, larger and more prominent chimney stack. The same public benefits, which have already been granted planning permission, would not outweigh the additional cumulative impact of removing a further, more

significant chimney stack. The public benefits put forward would be achieved by implementing the existing approved scheme. The cumulative impact of removing more chimney stacks from the appeal property and the wider area would gradually further erode the historic and architectural significance of the CA.

13. I therefore conclude that the removal of the chimney stack would not preserve or enhance the character or appearance of the dwelling or the CA and would result in less than substantial harm to the designated heritage asset, which is not outweighed by public benefits. Consequently, it would be contrary to Policy HC1 of the London Plan (2021), Policies 15 and 16 of the Lewisham local development framework Core Strategy Development plan document (2011)(the Core Strategy) and Policies DM30, DM31 and DM36 of the Lewisham local development framework Development Management Local Plan (2014)(the local plan), which seek amongst other things to ensure that development protects and enhances the historic environment and respects external features such as chimneys. The removal of the chimney would also conflict with Section 16 of the National Planning Policy Framework (2021)(the Framework) and Section 5 of the Lewisham local plan Alterations and Extensions Supplementary planning document (2019)(the SPD).

Front Lightwell

14. The proposed lightwell would slightly exceed the size guidance set out in the Council's SPD. However, space would be retained between the lightwell safety grill and the low boundary walls, for soft landscaping and wheelie bin storage to be provided, without obstructing the access to the house. A new bay window would be installed in the basement wall, beneath ground level, which together with the lightwell would provide the existing basement and its approved extension with natural light and ventilation. The new basement window would reflect the scale and design of the ground floor level bay window directly above it.
15. Although I did not see any other lightwells in the immediate surrounding area, the proposal would be below ground level and only be visible in views over the garden wall when standing directly outside of the appeal property. Views from elsewhere within the wider streetscene would be extremely limited or non-existent, particularly once the proposed landscaping is implemented.
16. I therefore conclude that the proposed lightwell would preserve the character and appearance of the dwelling and the CA. Consequently, it would accord with Policy HC1 of the London Plan, Policies 15 and 16 of the Core Strategy and Policies DM30, DM31 and DM36 of the Local Plan, which seek amongst other things to ensure that development protects and enhances the historic environment. I also find no conflict with Section 16 of the Framework, or the general aims and objectives set out in Section 4 of the SPD.

Conditions

17. In addition to the standard time limit condition, I have imposed a condition listing the approved drawing numbers for the avoidance of doubt. A condition to ensure the external brick slips match the brickwork used in the existing dwelling and one requiring details of the design and materials of the basement window and doors to be approved by the Council prior to their installation is

necessary to ensure the character and appearance of the dwelling and CA are preserved.

18. Given that wheelie bins are already stored in front of all of the terraced houses in this area, and the submitted plans show that adequate space would be retained for this purpose, I do not consider it necessary to impose a condition requiring any further details in respect of this matter.
19. As the proposed landscaping would screen the lightwell and contributes to its acceptability, it is necessary to impose a condition to ensure this is delivered within a suitable form and timescale and is thereafter retained.

Conclusion

20. For the reasons given above, I have found that although the removal of the chimney stack would not preserve the character or appearance of the host dwelling or the CA, the proposed lightwell in the front garden would. It is common ground that the wood fibre insulation, paving and landscaping would also be acceptable. As these elements are physically and functionally independent, I am able to issue a split decision. Consequently, I have allowed the appeal in respect of the lightwell, external wood fibre insulation, paving and landscaping, and I have dismissed the appeal in so far as it relates to the removal of the chimney stack.

R Bartlett

INSPECTOR

Schedule of 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: Drawing Nos: 2103/P/101, 2103/P/102, 2103/P/103, 2103/P/104, 2103/P/105, 2103/P/106, 2130/P/107, 2103/P/108, 2103/P/109, 2103/P/110, 2103/P/111, 2103/L/401 and 2013/L/402 except in respect of the removal of the chimney stack shown on Drawing Nos. 2103/P/102, 2103/P/103, 2103/P/104, 2103/P/105 and 2103/P/108.
- 3) The external wood fibre insulation shall be finished in brick slips to match the external brickwork used in the existing building.
- 4) Details of the design and materials to be used in the front windows and doors of the basement extension shall be submitted to and approved in writing by the local planning authority prior to their installation. The development shall be carried out in accordance with the approved details and shall thereafter be retained as such.
- 5) Prior to commencement of the development details of the proposed landscaping of the front garden shall be submitted to and approved in writing by local planning authority. The landscaping shall be provided, in accordance with the approved details, within 3 months of the completion of the lightwell, and shall thereafter be retained.