



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: 17 JANUARY 2023

Appeal Ref: APP/C5690/W/22/3304175

99 Manor Avenue, London SE4 1TD

- 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 Paul Skeates against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/21/122960, dated 2 August 2021, was refused by notice dated 4 February 2022.
 - The development proposed is demolition of existing single storey garages. Construction of 2 storey detached 2 bedroom dwelling house with integral bike and bin store, together with amenity space and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended plan was submitted with the appeal showing an increase in the size of the main bedroom. As this plan relates only to a minor internal layout alteration, no party would be prejudiced by my acceptance of it. The Council has confirmed that the alteration would address reason 4 of its refusal notice. My decision on the appeal is based on the amended plan.

Main Issues

3. The main issues are: i) the effect of the proposed development on the character and appearance of the Brockley Conservation Area (BCA); and ii) whether suitable space would be provided to accommodate the required number of waste and recycling bins.

Reasons

Character and appearance

4. The appeal site lies in the BCA wherein 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. It is located on Wickham Mews, an unmade service road, which is characterised by mature trees and small-scale single storey garages and outbuildings that blend into landscaped rear gardens. The rear elevations of the four storey Victorian terraced and semi-detached houses on Wickham Road and Manor Avenue, together with their long verdant gardens, can clearly be seen from Wickham Mews. These characteristics all contribute towards the significance of the BCA.

5. The 'mews' are referred to in the Brockley Conservation Area Character Appraisal (2006) (BCACA) and the Brockley Conservation Area Supplementary Planning Document (2006) (BCASPD) as a series of service roads running behind the houses in some of the larger streets. Wickham Mews is the longest of these service roads and unlike some of the other mews in this area, which have changed in character due to their redeveloped frontages and surfaced access, it has retained its tranquil, spacious and leafy appearance. Vehicular access to the mews is controlled by metal barriers at either end.
6. The proposed dwelling would replace a prefabricated garage block at the southern end of the mews. There is also an old bus, which I am advised is occupied as a dwelling, parked across the site frontage that would be removed.
7. Although the new dwelling would be of similar width and depth to that of the adjacent workshop and would be partially sunk into the ground, its combined height, width and depth would result in a building of much greater scale and mass than that of other existing buildings fronting onto this part of Wickham Mews.
8. The siting of the dwelling up to the edge of the access lane, together with its height and depth, would make the development visually prominent in views down Wickham Mews, particularly from the Geoffrey Lane end, where the view would be altered from one of trees, gardens, small low-rise outbuildings and the rear elevations of attractive Victorian dwellings to that of the front and side elevation of a substantial building that does not reflect either the existing character or appearance of the mews or its historic significance.
9. The proposal would also require the removal of seven trees, which according to the submitted Arboricultural Report, are in good condition, with no signs of disease or structural defects, and have a relatively long remaining life expectancy. Despite being classed as Category C, the group value of the trees makes a significant contribution to the leafy character and appearance of the BCA. No replacement tree planting is proposed, and it has not been demonstrated that there would be sufficient space within the plot to require this by condition, without creating a longer-term conflict with the proposed residential use. I acknowledge that the proposed dwelling would have a sedum and wildflower green roof, but this would not outweigh the visual amenity and biodiversity value of the trees that would be removed.
10. Furthermore, as the proposal is not supported by an Arboricultural Impact Assessment, as recommended in the Arboricultural Report, it has not been demonstrated that adjacent trees on third party land would not be affected by the development.
11. I acknowledge that the proposal would conflict with guidance aimed at preventing piecemeal development. However, small sites, by their very nature, will generally come forward in a piecemeal fashion. Although I have found that the proposal before me would not relate sensitively to the character and appearance of the BCA, this does not mean to say that I agree that any development along the mews would need to form part of a larger scale development. Clearly each case will need to be determined based on its own merits.
12. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the BCA. Consequently, there would be conflict with

Policies G7(c) and HC1(c) of the London Plan (2021), Policies 12(g), 15(1.a & 1.f) and 16 of the Lewisham Core Strategy (2011)(CS) and Policies 25, 30, 33 and 36 (A and B) of the Lewisham Development Management Local Plan (2014)(LP). These policies require amongst other things that development proposals retain or replace trees, are appropriate in terms of height, scale and mass, and that proposals affecting heritage assets should conserve their significance, by being sympathetic to the assets significance and appreciation within their surroundings.

13. The proposal would also conflict with guidance contained in the BCASPD, which seeks to maintain the character of the mews including their trees and views across gardens, the Lewisham Small Sites Design Guide SPD (2021), which requires development in conservation areas to accord with any relevant character appraisal, and the National Planning Policy Framework (the Framework), in so far as it relates to design and heritage matters. However, I find no conflict with CS Policy 7 or LP Policy DM31, which relate to climate change adaptations and alterations and extensions to existing buildings.

Waste and recycling facilities

14. The proposal identifies a suitable integrated space for the storage of two wheelie bins. I acknowledge that in this area households are also provided with up to two smaller waste bins for food. Given the size of these bins, it would be relatively easy for future occupiers of the dwelling to find space within the plot to conveniently store these. Where it is necessary to control such matters, this can generally be dealt with by a suitably worded planning condition.
15. As there would clearly be sufficient space within the site to store the additional smaller waste and recycling bins, I conclude that the proposal would accord with CS Policy 13(4), which requires well designed and integrated recycling facilities to be incorporated into all new development.
16. The decision notice cites Policies T5 and T7 of the London Plan, Policy 29 of the LP and paragraph 106 of the Framework. However, these relate to transport matters and are not relevant to this main issue. As the proposal relates to a new dwelling, the Council's Alterations and Extensions Supplementary Planning Document is also not relevant.

Other Matters

17. At the opposite end of the lane, at its junction with Ashby Road, Nos. 1-5 Wickham Mews comprise two semi-detached and three terraced houses. These modern properties are recognised in the BCACA as being poor quality development, which detracts from the character of the BCA. The Ital Cutlery building referred to in the appellants case is also at the opposite end of the lane and is not viewed within the same context as the appeal site.
18. My attention has been drawn to similar existing and recently approved developments on Ashby Mews. However, I noted on my site visit that Ashby Mews comprises a surfaced road with buildings of various scale, appearance and use, situated up to its back edge. This is very different in character to the leafy and largely undeveloped nature of Wickham Mews.
19. I acknowledge that the Council's Small Sites SPD supports the development of the Mews, to some extent, particularly on sites close to the entrances of these. However, this guidance does not override the need to comply with other

relevant development plan policies or statutory duties. Moreover, the illustrations and images contained in SPDs are not intended to indicate they would be acceptable on all sites. Each site must be assessed individually.

20. I note the appellant's efforts to engage with the Council prior to submitting a planning application. However, it was clear from the pre-application advice response that outstanding concerns remained regarding the scale of the proposed building.

Planning Balance and Conclusion

21. The proposal would fail to preserve or enhance the character or appearance of the BCA. Although the degree of harm to its significance would be less than substantial, the failure to comply with the statutory test and relevant planning policies must be afforded significant weight.
22. In accordance with paragraph 202 of the Framework, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
23. As the existing garages are consistent in terms of scale and nature to others along the mews, and the bus is a vehicle as opposed to a permanent structure, the removal of these would not constitute a public benefit. Moreover, the Council has other powers to remove these should it be considered necessary, and I therefore give this very little weight.
24. The proposal would provide a car free home in a sustainable and accessible location, making effective use of land and a small contribution to the supply of housing in the area. During the construction phase of the development there would be economic benefits in terms of providing temporary work for local builders and traders. There would also be benefits in terms of CIL contributions, Council Tax receipts and increased consumer spending in the local area. Although there is no evidence before me of any security problems in the area, the proposal would increase natural surveillance over the mews and surrounding properties. However, the scale of such benefits derived from a single dwelling, would not outweigh the permanent harm and loss of significance that would be caused to the designated heritage asset as a result of the proposal.
25. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR