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# Appeal Decision

Site visit made on 24 January 2023

**by N Praine BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14/02/2023**

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**Appeal Ref: APP/C5690/W/22/3301204**

**Green Bank Cottage and Taymount Lodge, Taymount Rise, London SE23 3UL**

- 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 Hambridge Homes (TM) Ltd against the decision of the Council of the London Borough of Lewisham.
  - The application Ref DC/21/124859, dated 17 December 2021, was refused by notice dated 18 May 2022.
  - The development proposed is described as the demolition of 2no. dwellings (Greenbank Cottage and Taymount Lodge) and the erection of a 20no. unit apartment building, associated bin and bike stores and associate landscaping.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. As described in the appellant's Statement of Case, a set of revised plans and an updated Transport Technical Note have been submitted with the appeal. This includes amendments to the proposal, regarding servicing and deliveries. These amendments would make changes to parking restrictions or occupy a section of the footpath.
3. I note an opinion has been sought from a Highway Officer, although, this does not appear to be a formal consultation response. Even if it was, interested parties may have been notified of the appeal, however, there is limited evidence before me that all affected parties have been made aware of the amendments. Within this context I am very conscious of the Wheatcroft Principles derived from *Bernard Wheatcroft Ltd v SSE* (1982) which are further explained in the Procedural Guide: Planning Appeals - England.
4. It is my view, in the interests of fairness, that this appeal must be determined on the basis of the plans that were submitted with the planning application and not the subsequent amendments submitted with the appeal. To do otherwise could unacceptably prejudice the interests of interested parties who may not be aware of the amended proposals and who may have observations to make. I have therefore not referred to these amendments in coming to my decision.

## **Main Issues**

5. The main issues in this appeal are the effect of the proposed development on:

- The character and appearance of the area including the setting and significance of the adjacent non-designated heritage asset known as Taymount Grange; and
- Highway safety with particular reference to the proposed delivery and servicing strategy.

## **Reasons**

### *Character and Appearance*

6. The appeal site sits at the higher end of Taymount Rise. This street is well landscaped with features such as trees lining the road and soft landscaping within plots. To one side of the appeal site Taymount Grange, a five storey non-designated heritage asset, is located and to the other side Forest Croft, a five-storey building.
7. Land levels raise as one travels from Taymount Grange to Forest Croft. This change in levels results in Forest Croft sitting visually higher in the street scene than its surrounding neighbours when viewed from Taymount Rise.
8. Although the character and appearance of surrounding development is varied in style, there is broadly a sense of spaciousness, particularly between the buildings around the 'circus'. This spaciousness is primarily achieved by the gaps between the built form, however, some buildings are also set back from the circus which also adds value to the spaciousness. This collective layout makes an important contribution to the character and appearance of the area.
9. While the detailed design of the building is broadly not in contention between the main parties, the proposed building would extend to four stories in height and would spread significantly in depth to the rear of the site. It would also be located near to the boundary shared with Taymount Grange and would extend considerably forward of Taymount Grange's building line. Additionally, the appeal plot would be surfaced in a significant amount of hardstanding.
10. I recognise that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites. I also acknowledge a degree of landscaping would be proposed with potential to meet target urban greening factor scores. However, when taken as a whole, the height, width, depth and siting of the building combined with the quantum of hardstanding would not respond to the more spacious and verdant character of the local area. This would be visually harmful failing to create a positive response to the local street scene.
11. I have also viewed the recent developments to the rear, however, these are in a different street and would not be readily apparent from the Taymount Rise street scene. Consequently, the development to the rear does not change my findings on this main issue.
12. Taymount Grange is a non-designated heritage asset. It is described as an apartment building dating from the 1930s in a modern movement style. It has white-rendered walls and green framed windows. Its exterior is defined as stripped-down International Modernism.

13. Insofar as it relates to this appeal, the sense of spaciousness and verdant character is important as it also contributes toward the setting and significance of Taymount Grange. From what I saw on site, Taymount Grange is well designed and sits in a commanding position with a remarkable appearance. The building enjoys relatively spacious grounds and the spaciousness beyond its boundaries also contribute positively to its setting and significance.
14. As set out above, the proposed development would extend close to the boundary shared with Taymount Grange and would project considerably forward of Taymount Grange's building line. It would also sit on higher land increasing its visual impact and prominence. These factors, in combination, would impair the setting of this non-designated heritage asset by creating a cramped and unduly enclosed hard edge, unacceptably harmful to Taymount Grange's setting.
15. Taymount Grange has architectural aesthetic value and interest as an example of pre-war modernism with Art Deco detailing. There is also some local, historical value such as its association with the Queens Tennis Club. I note that its expression of modernism, in its purest form, is challenged. However, it is of artistic interest through the composition of its external form and has historic value. As a non-designated heritage asset, I have found overall harm to its significance for the reasons set out above.
16. I appreciate the existing garages to the rear of Taymount Grange are a later addition, however, they are sited to the rear and have limited visual intrusion when Taymount Grange is experienced from public vantage points. Even if I set this aside, as single-story buildings covering a modest footprint, their impact on the significance of Taymount Grange does not justify the proposed development.
17. In conclusion, the proposal would be unacceptably harmful to the character and appearance of the area, including the setting and significance of Taymount Grange, a non-designated heritage asset. As such, it would conflict with Policy 15 of the Lewisham Core Strategy 2011 (the Core Strategy); Policies 30, 32 and Policy 37 of the Lewisham Development Management Local Plan 2014 (the Local Plan); Policies D3 and D4 of the London Plan 2021 and the National Planning Policy Framework (the Framework). Amongst other things, these seek to promote high quality design which responds to local distinctiveness and context, and to ensure that development protects or enhances the historic environment including non-designated heritage assets.
18. Local Plan Policy 25 states that the submission of landscaping schemes and arboricultural information is required. This information was submitted with the application, and it has not been clearly demonstrated why this specific policy was incorporated into the first reason for refusal. On this basis I have not referred to Local Plan Policy 25 in coming to my decision.

#### *Highway Safety*

19. The section of the highway which surrounds the 'circus' has space for two vehicular lanes. The drawings show that vehicles would serve the site from the highway outside the appeal site, whilst allowing other vehicles to pass around the parked service vehicle. No servicing space would be proposed within the appeal site.

20. There are unrestricted vehicular parking spaces along the inside edge of the 'circus' which are liable to be occupied and this was the case during my site visit. Deliveries and servicing from the highway would therefore be likely to obstruct the highway as traffic would not be able to manoeuvre around the parked service vehicle. Such obstruction would lead to conflict with pedestrians and vehicles.
21. It has been suggested that service vehicles could park further away or find an appropriate parking space elsewhere, however, given the nature of servicing and the existing highway layout, it would not be reasonable to assume service vehicles would or could park safely within a suitable distance to service the appeal site.
22. I cannot therefore be satisfied that the appeal would not severely compromise highway safety with particular reference to the proposed deliveries and servicing strategy. The proposed development would therefore conflict with the relevant provisions of Policy 14 of the Core Strategy; Policy 32 of the Local Plan and the Framework. All of which, amongst other things, seek to ensure proposals would not be prejudicial to highway safety.

### **Other Matters**

23. Paragraph 203 of the Framework states in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
24. The proposal would provide 18 (net) dwellings to housing supply on a windfall site in a sustainable urban location. It would also provide a range of unit types including family housing, optimise a small site, and would be an efficient use of brownfield land. I acknowledge the potential for a contribution to offsite affordable housing, subject to a review mechanism, and the advantage recognised in paragraph 69 of the Framework, that small and medium sized sites can make an important contribution to meeting the housing requirement of an area.
25. However, the weight attributable to the harm I have set out above would not be outweighed by these benefits or is of a sufficient weight to tip the planning balance in the appeal scheme's favour either individually or cumulatively when set against its conflict with the development plan.
26. I have also considered the various other concerns raised by interested parties. However, none of the other matters raised outweigh or alter my conclusion on the main issues. As I am dismissing the appeal for other reasons, I have not pursued these matters further.
27. A signed legal agreement has been submitted which incorporates a review mechanism for affordable housing, provision of a Car Club space on the site and contributions towards a controlled parking zone consultation, Car Club membership and carbon offset projects. As I am dismissing this appeal on other substantive issues, I have not dealt with the legal agreement in any further detail.
28. Finally, I have had regard to the appellant's frustrations given the Council did not accept amendments during the course of the planning application.

However, this is essentially a procedural matter which is not related to the planning merits of the case.

**Conclusion**

29. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

*N Praine*

INSPECTOR