



Appeal Decision

Site visit made on 5 December 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/C5690/W/22/3303452

5 and 6 Hilly Fields Crescent, London SE4 1QA

- 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 Hollie Walsh and Mr Jon Petrie against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/22/125814, dated 8 March 2022, was refused by notice dated 29 April 2022.
 - The development proposed is the installation of 2no rooflights each to the front roofslope of 5 and 6 Hilly Fields Crescent, SE4, 4no rooflights in total.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the Brockley Conservation Area.

Reasons

3. The appeal relates to a pair of semi-detached houses on the north side of Hilly Fields Crescent, facing the open parkland of Hilly Fields itself. The proposed development is the installation of two rooflights on the front roof pitch of each of No 5 and No 6. The four rooflights would be identical in style and size, and positioned to maintain the symmetrical appearance of the pair of dwellings.
4. The site lies within the Brockley Conservation Area ("the Conservation Area"); I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the National Planning Policy Framework ("the Framework") states that they should be conserved in a manner appropriate to their significance (paragraph 189). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 200) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 202).
5. The Conservation Area is predominantly residential, and was built by a number of speculative developers between the 1830s and the early 1900s. Its dwellings were built in a variety of architectural styles, including many which are rich in Italianate or Gothic detailing. The wide, tree-lined roads and generous front and rear gardens give the area a green and spacious appearance. The

significance of the Conservation Area is derived primarily from the combination of the quality of its buildings, streets and open spaces, which together illustrate the growth and development of an affluent Victorian suburb.

6. The 2005 *Brockley Conservation Area Character Appraisal* ("the BCACA") identifies rooflights as an element damaging or threatening to the character of the Conservation Area, noting that they "add visual clutter to plain roofslopes which were not historically pierced with openings". The 2006 *Brockley Conservation Area Supplementary Planning Document* ("the BCA SPD") advises that rooflights on front roof slopes are not suitable due to their intrusive impact on the regular appearance of roofs in the area. The 2019 *Alterations and Extensions Supplementary Planning Document* ("the A&E SPD") advises that in Conservation Areas, "where traditional 'conservation style' rooflights have been established as an accepted and prevailing characteristic on front roofslopes, proposals for small 'conservation style' rooflights may be acceptable".
7. The BCACA notes that Hilly Fields Crescent has the highest proportion of properties with rooflights in the Conservation Area; even so, these are concentrated in the small group of eight properties from No 11 to No 18, and elsewhere in the street there are none. There is a sharp bend in the road between the appeal site and the group of properties with front rooflights, and this provides some visual separation. The proposed development would introduce front rooflights to a part of Hilly Fields Crescent, and a part of the Conservation Area, where they are not an established or prevailing characteristic. This would be contrary to the guidance in both the BCA and A&E SPDs which specifically seeks to prevent this and, notwithstanding that the rooflights would be of the "conservation" type set flush to the roof, would disrupt the otherwise unbroken front roof pitches which are a characteristic of the Conservation Area.
8. The appellants' evidence drew my attention to the recent appeal decision at No 14 Hilly Fields Crescent (PINS Ref: APP/C5690/D/21/3288780). I was the Inspector who determined the appeal in respect of No 14, and I am therefore familiar with the circumstances of that case; I consider that there are significant differences between the two sites.
9. No 14 is within the very small group of properties where (as I have described above) front rooflights had already been installed. Notwithstanding that some of the pre-existing rooflights have not been especially sympathetically designed or sited, the scheme at No 14 would not result in an expansion of the very small area where rooflights are established; that would not be the case with this proposal. It is also noteworthy that, although the trees around the edge of Hilly Fields would provide some screening, this would be considerably less in the case of Nos 5 and 6 because of a broad gap in the planting around the park (possibly due there being a "missing" mature tree – there is a young tree opposite No 6) when compared to No 14 and its immediate neighbours. Had either of these factors been different, it is likely that my appeal decision in respect of No 14 might also have been different; the appeal decision in respect of No 14 does not carry significant weight in favour of this proposal.
10. The appellants also drew my attention to two grants of planning permission for front rooflights elsewhere within the Conservation Area, at 12 Chalsey Road¹

¹ LPA Ref: DC/21/120686

and 50 Chalsey Road². I did not view Chalsey Road on my site visit for this case, but had done for the earlier appeal at No 14 Hilly Fields Crescent. I concluded then that “as well as being physically and visually separate from 14 Hilly Fields Crescent, Chalsey Road has a very different character”. Apart from that Chalsey Road is even further from this appeal site than it is from No 14, there is nothing before me to lead me to a different view in this appeal. Again, the grants of planning permission by the Council in those cases do not carry significant weight in favour of this appeal proposal.

11. For the reasons I have set out above, I conclude that the proposed rooflights would not preserve or enhance the character or appearance of the Brockley Conservation Area. I agree with the appellants’ view³ that, in the Framework’s terms, the harm to the significance of the Conservation Area as a designated heritage asset arising from the proposal would be less than substantial.
12. The appellants have suggested that public benefits would arise from the provision of an extra bedroom for the occupiers of each of the dwellings, and the overall improvements and investment in the appearance and long-term use of the building. The provision of additional bedrooms would not increase the number of housing units in the area and would be a private benefit for the appellants. I saw that the area around the appeal site is one where housing appears to be attractive and well-maintained; there is nothing before me to suggest that the continued improvement and use of the appeal properties would be at all dependent on the appeal scheme going ahead. In any event, such public benefits as *might* arise would be relatively limited, and therefore carry only modest weight in favour of the scheme. They would not outweigh the harm to the heritage asset, to which I must attribute great weight.
13. The proposal therefore conflicts with Policies 15 and 16 of the 2011 Lewisham Core Strategy, DM Policies 30, 31 and 36 of the 2014 Lewisham Development Management Local Plan, and Policy HC1 of the 2021 London Plan. Together, and among other things, these policies seek to ensure that development is respects local character (including in appearance and materials), that rooflights on front slopes harmonise with the streetscene, and that the character and appearance of heritage assets (including Conservation Areas) is preserved or enhanced. For the same reasons I find conflict with the provisions of the Framework in respect of protecting the historic environment.

Conclusion

14. The proposed development would not preserve or enhance the character or appearance of the Brockley Conservation Area, and would conflict with the development plan taken as a whole. There are no material considerations, including those of the Framework, which indicate that the decision should be made other than in accordance with the development plan.
15. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector

² LPA Ref: DC/21/120665

³ Appeal statement paragraph 5.19