



Appeal Decision

Site visit made on 14 February 2023

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2023

Appeal Ref: APP/C5690/W/22/3308567

45 Breakspears Road, Lewisham, London SE4 1XR

- 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 Mathew Mayes against the decision of the London Borough of Lewisham Council.
 - The application Ref DC/22/127547, dated 12 July 2022, was refused by notice dated 6 September 2022.
 - The development proposed is the alteration to an existing front garden involving the creation of one off-street car-parking space and driveway with EV charging capability, a vehicular crossover and dropped kerb. The proposal also includes new hard/soft landscaping and the provision for bike/bin storage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the description of development varies between documents submitted for the purpose of this appeal, I have used the one from the Council's decision notice as this concisely and accurately describes the proposal.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the appeal property and that of the Brockley Conservation Area (the CA); and
 - parking provision.

Reasons

Character and Appearance

4. The appeal property is a substantial 3 storey Victorian semi-detached house with a good sized front garden, on a wide tree lined street. It is located in a predominantly residential area made up of similar substantial semi-detached houses at the heart of the Brockley Conservation Area (the CA).
5. The significance of the CA is defined by the speculatively constructed houses built between the 1830s and early 1900s. These were in a variety of popular mid to late Victorian architectural styles and display good quality Italianate

stucco and Gothic terracotta detailing. Many houses, including the appeal property, are set in wide, tree-lined roads with large front and rear gardens adding to the area's spacious and leafy appearance. The appeal property and the neighbouring property at 43 Breakspears Road (No.43) retain their front gardens, exemplifying the spacious and leafy appearance and spatial characteristics that define much of the character and appearance the CA, contributing to its significance.

6. The CA is a heritage asset to which I have a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I must pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
7. The proposal is to redesign the existing front garden to accommodate off street parking for a single off street parking space with an EV Charging point and cycle and bin storage. The proposal includes re-landscaping of the mostly gravelled and paved front garden, which is surrounded by mature hedges. The proposal would provide, planting areas and upgraded permeable surfacing for the proposed parking area and reproduction Victorian tiling for the pathway.
8. To allow for vehicular access the proposal would remove a stretch of the existing brick wall that defines the boundary between the appeal property and the footway. However, there would also be some reinstatement of a stretch of missing wall to match. The creation of the proposed vehicular access would also require the removal of a length of the front hedge.
9. It is evident in the local area that a substantial number of properties in the street have had parking areas created in their front gardens, with varying degrees of sensitivity and regard to local character and appearance, including the appeal property's semi-detached pair. Many of these appear to have been in place for some time and could predate the various designation dates for areas of the CA. An Article 4 direction¹ is, however, in place for the CA that requires planning applications for such changes. Whilst there are a significant number of gardens in the street that allow for car parking, these demonstrate a loss of the original spatial arrangement and characteristics of houses in the area and the CA that are evident at the appeal property and at No.43.
10. It appears from the design of the proposal that the appellant has sought to integrate the proposed parking area within a pleasant front garden space and to overcome reasons for refusal for a previous application² for a similar proposal. However, the proposal would still allow for the parking of a motor vehicle adjacent to the house on the appeal property, where this arrangement would encroach on the spacious garden area and would result in the appeal property being seen within this context rather than an open garden setting. This would be apparent in views of the appeal property from within this part of the CA. As such, this would fail to reflect the spatial characteristics of the appeal property and the CA that I have identified.
11. Along with other existing car parking arrangements on front gardens in the local area the appellant has drawn my attention to other boundary treatments, and structures in the front gardens of properties within the CA. Many of these appear to be of some age, to have no planning approval or to not require a

¹ Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015

² Planning Ref DC/21/120139

planning approval. As such, I can afford these only limited weight in my considerations.

12. The appellant has also drawn my attention to a planning appeal³ that involved the creation of off street parking to the front of a property within a nearby Conservation Area. This would have been considered on its own individual merits. I have done likewise in my consideration of the appeal proposal, which is a main tenet of the planning system, and I can only afford this limited weight in my considerations.
13. For these reasons, I find that the proposed development would be harmful to the character and appearance of the appeal property, and the significance of the CA. This would not accord with section 6.7 of the Council's Alterations and Extensions Supplementary Planning Document (2019) and would be contrary to Policies 15 and 16 of the Lewisham Core Strategy (2011) (the CS), Policies DM30 and DM36 of the Lewisham Development Management Local Plan (2014) (the DMLP), and Section 16 of the National Planning Policy Framework (2021) (the Framework), which collectively seek to ensure that development is of high-quality design, a key aspect of sustainable development, having due regard to the importance of preserving or enhancing heritage assets.

On Street Parking Provision

14. The requirement for vehicular access to the proposed off street parking space would be facilitated by a dropped access kerb. This would result in the loss of a single existing on street parking space. Such a loss would be partially mitigated by the creation of the proposed off street parking space. However, due to the need for access, the loss of the on street parking space would be continuous, regardless of whether the off street parking was in use.
15. Whilst the street is not the subject of on street parking restrictions, the area on my morning site visit was very parked up and on street parking appeared to be in demand. The loss of a single parking space would, therefore, result in slight harm to the provision of on street parking in the local area and a reduction of parking capacity. This would be contrary to policy 14 of the CS, policy DM29 of the DMLP and Section 9 of the Framework, which collectively seek to ensure sustainable transport outcomes and that impacts on capacity of the transport network can be mitigated.

Other Matters

16. The appellant has set out the importance of accommodating the need for charging of electric vehicles. The appellant has set out that the intention is that the proposed EV charging point would be made available off street for charging EV's other than that of the occupiers of the appeal property. The provision of a single off-street parking space with EV facilities, with some limited public availability, would result in a public benefit and would contribute to tackling climate change and poor air quality. However, when considered within the context of the current and future projected requirement for EV charging infrastructure, the benefits of a single parking space of this type would be extremely limited.

³ Appeal Ref: APP /C5690/D/19/3235750

17. There would also be some limited public benefits attached to the proposed planting beds that, whilst also being a visual improvement on the gravelled garden would also support for biodiversity through the proposed planting choices.

Planning Balance and Conclusion

18. Although I find the harm to the CA would be considered less than substantial, in accordance with the Framework, great weight should be given to the conservation of those assets. Whilst the proposal would result in limited public benefits, as set out above, the provision of the proposed off street parking space would be a primarily private benefit. I must give considerable importance and weight to the effect on the significance of the CA and, in addition, significant weight to the effects on the character and appearance of the appeal property and limited weight to the loss of the of an on-street parking space. I consider that these benefits do not outweigh the harm I have identified.
19. For the reasons given I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR