



Appeal Decision

Site visit made on 3 March 2023

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2023

Appeal Ref: APP/E5330/D/22/3313184

45 Lee Road, London SE3 9RT

- 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 & Mrs Andrew Smith against the decision of the Council of the London Borough of Greenwich.
 - The application Ref 22/3104/HD, dated 14 September 2022, was refused by notice dated 10 November 2022.
 - The development proposed is the erection of a first floor side extension, replacement of first floor front windows and the installation of a first floor side window in the flank elevation.
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Decision

1. The appeal is dismissed in so far as it relates to the erection of a first floor side extension. The appeal is allowed and planning permission is granted in so far as it relates to the replacement of first floor front windows and the installation of a first floor side window in the flank elevation at 45 Lee Road, London SE3 9RT in accordance with the terms of the application, Ref 22/3104/HD, dated 14 September 2022, subject to the following 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: 964-A-110-B; 964-A-111-B; 964-A-112-B and 964-A-113-A; in so far as they relate to the works approved.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The second reason for refusal refers to discrepancies on the application drawings. I note the flank elevation shows a deeper extension than is shown on the plans. Corrected drawings have been submitted with the appeal. I am satisfied that the changes to the drawings are minor and it would not be prejudicial to determine the appeal on the basis of the corrected drawings

Main Issues

3. The main issues are the effects of the proposals on the character and appearance of the host building and whether it would preserve or enhance the character or appearance of the Blackheath Park Conservation Area (BPCA).

Reasons

4. The appeal property is a 2-storey detached dwelling with a hipped roof, a symmetrically arranged main frontage and a single-storey wing to one side. The property and its neighbours were built in the 1950s. This group of detached houses generally reflect the scale and proportions of earlier houses in the BPCA and therefore, together with the mature vegetation bordering the road, make a positive contribution to the BPCA's character and appearance.
5. An important aspect of this group of properties, and those on the other side of Lee Road, is the gaps between them. In the instances where these gaps are very narrow, such as between the appeal property and 45a Lee Road, there is an absence of the spaciousness seen elsewhere in this portion of Lee Road, which is detrimental to the area's appearance.
6. The proposal would primarily comprise the erection of a first floor addition above the single-storey side wing. This would be set back from the front elevation behind a parapet wall and would have a flat roof set just below the eaves of the main roof of the house. As there is a narrow gap between the side wing and the 2-storey flank wall of the neighbouring house, 43a Lee Road, the proposal would diminish the already very limited gap between the neighbouring properties. This would further disrupt and compromise the arrangement of the group of houses and would have a harmful terracing effect on the neighbouring houses and the street scene.
7. I recognise that the existing density of trees and mature vegetation on the boundaries of the appeal property and No. 43a would largely screen the proposal. Whilst the harm identified above would be mitigated to a degree in the near future, the long-term retention of the vegetation cannot be secured.
8. For these reasons I conclude that the proposed side addition would have an unacceptable effect on the appearance of the host property and would fail to preserve the character and appearance of the BPCA. As such it fails to accord with Policies DH1, DH3, DH(a) and DH(h) of the Royal Greenwich Local Plan, Core Strategy with Detailed Policies (2014) which seek development that pays special attention to preserving or enhancing the character or appearance of conservation areas. There is also conflict with the aims of Policies D3 and HC1 of the London Plan (2021), the Blackheath Park Conservation Area Character Appraisal (2013), and the Council's Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document (2018).
9. Whilst the side addition would fail to preserve the character and appearance of the BPCA, the harm to this heritage asset would be less than substantial. In these circumstances Paragraph 202 of the National Planning Policy Framework (2021) requires me to weigh the harm against the public benefits of the proposal. As the proposal would solely provide additional private living accommodation there are no public benefits associated with it.
10. Reference has been made to a planning permission granted in 2021 for a first floor side extension to a detached house in nearby Parkgate (ref: 20/3904/HD).

As each planning application and appeal needs to be considered on its individual merits having regard to the particular characteristics of a site's context, I attribute limited weight to this.

11. The overall proposal also includes the replacement of first floor front windows and the installation of a first floor side window in the flank elevation facing 45a Lee Road. The former would not materially change the appearance of the front elevation of the host property. Although the window in the flank elevation would be visible from the road and the forecourt of No. 45a it would be a small and inconsequential element.
12. For these reasons I am satisfied that these elements of the proposal would have an acceptable effect on the appearance of the host property and would preserve the character and appearance of the BPCA. Consequently, these aspects of the proposal accord with the aforementioned policies. As these elements are functionally and physically severable from the side extension a split decision can be issued allowing these parts of the proposal.

Conditions

13. I have considered the conditions suggested by the Council having regard to the National Planning Policy Framework and Planning Practice Guidance. In addition to the standard time limit condition, I consider a materials condition is required to safeguard the character and appearance of the area. Furthermore, for the avoidance of doubt and in the interests of proper planning, a condition requiring the approved development to be carried out in accordance with the approved drawings is imposed.

Conclusion

14. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail in respect of the first floor side extension and succeed in respect of the replacement of first floor front windows and the installation of a first floor side window in the flank elevation.

S Poole

INSPECTOR