



Appeal Decision

Site visit made on 22 May 2023

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

an Inspector appointed by the Secretary of State

Decision date: 16 June 2023

Appeal Ref: APP/C5690/D/23/3319073

125 Embleton Road, Ladywell, Lewisham, London SE13 7DQ

- 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 Jamie Burnhope and Claire Hitch against the decision of the London Borough of Lewisham Council.
 - The application Ref DC/22/129698, dated 16 December 2022, was refused by notice dated 13 February 2023.
 - The development proposed is the creation of a vehicle crossover and driveway, alterations to the front boundary and associated landscaping works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and that of the local area, with reference to the Ladywell Conservation Area (the CA).

Reasons

3. The appeal property is a substantial 3 storey semi-detached Victorian house with a small front garden. It is situated on a street predominantly made up of similar decorative and substantially unaltered semi-detached houses. This results in a cohesive and high quality streetscape and is a major element in the significance of the CA.
4. 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.
5. A short brick wall with a centrally positioned metal gate currently forms the boundary between the appeal dwelling and the footway. The proposal is to replace half of the existing boundary wall with traditionally detailed metal gates. This would allow for a car to be parked on a new area of permeable paving.
6. The other half of the brick boundary wall would be topped with traditional iron railings and the brick gate piers for both the proposed vehicle and access gates would have stone capping. The proposal also includes a new tiled pathway,

- reflecting the Victorian period appeal dwelling, and lawn and planting to the remaining garden.
7. The appellant has drawn my attention to the fact that the appeal proposal is similar to a previously refused application for alterations to the front of the appeal property and the creation of a vehicular crossover to accommodate parking for a car. The Council refused this earlier application for both amenity and transport reasons.
 8. With new material submitted with their re-submission, the appellant has however, been able to satisfy the council that the proposal would not result in any significant harm to the effective and efficient working of the local transport network, including parking provision. I see no reason to demur from this conclusion. Within the context of my considerations of this appeal the absence of harm is, however, a neutral factor.
 9. The previous reasons for refusal made no mention of the appeal dwelling being considered by the Council as a Non-Designated Heritage Asset (NDHA). The council have, however, set out harm to the character and appearance of the appeal dwelling as an NDHA in their reasons for refusal.
 10. Whilst the NDHA status of the appeal dwelling had not previously been raised, there is no restriction on when this status can be recognised, and I concur with the Council that the significance of the appeal property, given its mainly unaltered appearance and the role that this plays as a key feature within the CA, results in it being NDHA, as defined by the provision of the PPG¹. I have considered the effect of the proposal in line with paragraph 203 of the National Planning Policy Framework (2021) (the Framework) accordingly.
 11. It is evident from the off street parking survey plan submitted by the appellant and my site visit, that a substantial number of properties in the street have had parking areas created in their front gardens. Many of these appear to have been in place for some time and have been implemented with differing designs and degrees of sensitivity to local character and appearance. However, what they all have in common is that they demonstrate a loss of the original spatial arrangement and characteristics of houses in the area and the CA, as demonstrated by the appeal dwelling, and which form part of its significance as a NDHA.
 12. I appreciate that the appellant has sought, through the use of traditional materials detailing, to design the proposal to reflect the period and the character and appearance of the appeal dwelling. However, the proposal would remove half of the symmetrical boundary wall and would pave half of the front garden to accommodate car parking. This would allow for the parking of a motor vehicle adjacent to the house on the appeal property. The presence of a parked vehicle would encroach on the front garden area and would result in the appeal property being seen within this car parking context rather than a palisaded garden setting.
 13. Together, these two effects of the proposal would result in the loss of much of the existing defined relationship between the palisaded appeal dwelling and the highway. Whilst the appellant has sought to use historically and aesthetically sympathetically referenced design and detailing, this loss would result in an

¹ Planning Practice Guidance: Historic Environment (2014) (as amended)

incongruous alteration to the appeal property and would be unsympathetic to its existing character and appearance. This would be apparent in street views of the appeal property from within the CA. As such, this would fail to reflect the design and spatial characteristics of the appeal property as an NDHA and the CA that I have identified.

14. The appellant has drawn my attention to recent planning permissions for the replacement of existing boundary treatments and paving, with more period accurate alternatives. However, whilst these do reflect the design of the appeal proposal, from the material before me it would appear that these permissions relate to circumstances where off street parking was already established and would have constituted an improvement on the pre-existing situation. These would have been considered on their own individual merits and I have done likewise in my consideration of this appeal.
15. For these reasons, I find that the proposal would be harmful to the character and appearance of the appeal property, its significance as a NDHA, 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, DM31, DM36 and DM37 of the Lewisham Development Management Local Plan (2014), policy HC1 of the London Plan (2021) 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.

Planning Balance and Conclusion

16. I find that the harm to the appeal dwelling as a NDHA would be substantial, although the harm to the CA would be less than substantial. In accordance with the Framework, great weight should be given to the conservation of those assets. The provision of the proposed off street parking space would be a primarily private benefit and 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 as an NDHA. I consider that these benefits do not outweigh the harm I have identified.
17. For the reasons given, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR