



Appeal Decision

Site visit made on 10 July 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/C5690/D/23/3323953

88 Thorpewood Avenue, Lewisham, London, SE26 4BY

- 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 G Tomlinson against the decision of the London Borough of Lewisham.
 - The application Ref. DC/23/130797, dated 15 March 2023, was refused by notice dated 9 May 2023.
 - The development proposed is construction of a rear dormer, installation of three rooflights to the front roofslope, and changes to the front garden landscaping and access pathway.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a rear dormer, installation of three rooflights to the front roofslope, and changes to the front garden landscaping and access pathway at 88 Thorpewood Avenue, Lewisham, London, SE26 4BY, in accordance with the terms of the application, Ref. DC/23/130797, dated 15 March 2023, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) 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.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: TA-R00-PR-100; TA-R00-PR-102; TA-R00-PR-103; TA-R00-PR-104; TA-R00-PR-105; TA-R00-PR-106.
 - 4) Notwithstanding conditions 2) and 3) above and the details of the rooflights, rear dormer and alterations to the front garden shown on the submitted plans, no development shall take place until full detailed plans including sections and where appropriate samples of the external finishes to the front rooflights and rear dormer, the pathway and wrought iron railings, the refuse storage enclosure, the earth filling, the hard and soft landscaping scheme and the rebuilding of the front boundary wall, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Preliminary Matters

2. I have adopted the description of development on the decision notice as this more accurately describes the appeal proposal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the locally listed host building and conservation area.

Reasons

4. The appeal site lies within the Forest Hill Conservation Area (FHCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the National Planning Policy Framework (July 2021) (Framework), as well as in policy HC1 of The London Plan 2021 (March 2021) (TLP), Core Policies 15 and 16 of the Lewisham Core Strategy (June 2011) (LCS), and DM Policies 30 and 36 of the Lewisham Development Management Local Plan (November 2014) (LDMP).
5. The Council have provided a map of the FHCA together with the Forest Hill Conservation Area Appraisal (July 2010) (CAA). The latter divides the conservation area into seven character areas, with the appeal site falling within Character Area 7: Thorpewood Avenue. The CAA states that this character area comprises inter war housing displaying a range of styles and forms from that period that includes distinctive groups, such as 60 – 92 Thorpewood Avenue, which includes the appeal site. The latter is described as a fine group of houses set high above the street with steep well planted gardens to the front. The CAA continues by stating that these properties retain most of their original features and are largely occupied as single family dwellings. Also, that the cohesive character to the street is due to such factors as well as the comparable scale, materials, building forms and building lines.
6. The Townscape Appraisal Map to the CAA identifies the appeal site, together with most of the terrace that it forms part of, as a proposed locally listed building. However, the copy of the CAA that I have been given does not include the Appendices where I understand the listing is explained further. Based on the evidence before me, therefore, I understand that the listing states that these building comprise two rows of terraces and a pair of semi-detached properties, representing good quality buildings of their time in the vernacular tradition. The properties include interesting architectural detailing, including original small leaded lights, external joinery, oriel windows and the use of furnace slag for garden boundaries and retaining walls.
7. All of the above architectural and historical qualities contribute to Character Area 7's special interest and the contribution it makes to the FHCA, as a whole. Within this context the appeal property retains most of its original architectural features and detailing, specifically on its front elevation.
8. The appeal proposal includes a number of elements, which I will deal with in turn. In relation to the front garden, the proposed alterations involve removing the existing concrete steps and steep curve to the pathway. These would be replaced by a new pathway with wrought iron railings either side, a new bin

store, new landscaping and soil infill and the rebuilding of the front boundary wall. In my view, the proposed alterations would improve the appearance of the front garden, which as I observed on site has a tired and worn appearance. It would result in a garden design that is similar to others in the street. In view of this, I am satisfied that this aspect of the proposal would be acceptable and would enhance the character and appearance of the FHCA.

9. This finding is based on the submitted plans and the observations I made on site. Whilst I note the Council's comments about the precise details of the alterations in terms of the materials to be used and hard and soft landscaping, in my view the details shown on the submitted plans are more than sufficient to reach a view on the acceptability of these proposed works. The precise details of the materials and finishes and the hard/soft landscaping scheme are matters that can be adequately controlled by a condition that requires their submission and approval before any development commences on site.
10. Turning to the proposed rooflights, three conservation style rooflights are shown on the front roofslope to the host property. The rooflights would be flush with the roof, evenly spaced, small scale and located within the middle third of the roofslope. As such, the proposed rooflights would, in my view, represent an acceptable addition to the front roofslope. They would represent a subordinate and unobtrusive feature that would not result in any harm to the local listing of the host property or the character or appearance of the FHCA.
11. The Alterations & Extensions Supplementary Planning Document (April 2019) (SPD) and DM Policy 31 of the LDMP require roof alterations to incorporate a sensitive design with matching or complementary materials. Rooflights on the front roofslope of houses in conservation areas will only be permitted where they are well designed, carefully sited, of conservation grade and generally where similar rooflights have been installed on other properties in the area. For the reasons given above, the proposed rooflights would broadly accord with this guidance, with similar rooflights already existing on the adjoining properties, 84 and 86 Thorpewood Avenue. Even so, compared to the latter, the proposed rooflights are smaller and appear to be of a more sympathetic and higher quality design.
12. The proposed dormer would replace three large rooflights within the rear roofslope. As I observed on site, the new dormer would be screened from any public vantage points. Although the proposed dormer would be visible from neighbouring properties, it would not be visible from the street (Thorpewood Avenue) or as I observed on my walk around the area from any adjoining street. The proposed dormer would sit well above the eaves and well below the ridge of the rear roofslope. It would also be set clear of the verges (edges) and centrally located within the roofslope. In view of this and through the use of a pallet of materials that either matches existing or are complementary, I am satisfied that the proposed dormer would sit comfortably on the roofslope, that its scale would be modest and not visually dominant, and that it would not result in any harm to the local listing of the host property or to the character or appearance of the FHCA.
13. Neither DM Policy 31 of the LDMP or the SPD guidance prohibit dormers on the rear elevations of houses within conservation areas, but they do require that dormers should be modest in size, sited clear of the edges, eaves and ridge, subordinate in appearance, align with the windows below and not exceed two

thirds of the width of the roof. Whilst I accept that the proposed dormer covers two thirds of the roof width and the windows are not exactly aligned, the conflict that arises with these aspects of the SPD guidance are, in my view, minor and are not sufficient to justify the refusal of planning permission. In respect of the other policy/SPD criteria, as well as other general considerations that should apply when assessing the impact of new dormers, the proposal would be acceptable in that: the proposed dormer is modest in terms of its scale and projection from the main roofslope; it is simple in form and would allow natural light into to the existing loft space rather than enabling an excessive increase in the amount of usable floorspace; it would be sited clear of the edges, eaves and ridge to the main roofslope; the pallet of materials would secure a high quality finish; the proposal could only be viewed from the rear gardens of neighbouring properties; and it would be subordinate and proportional to the rear elevation of the host property.

14. Overall, the proposed dormer would not result in any harm to the streetscene or to the special interest of the FHCA or to the architectural detailing and other features identified in the host property's local listing. Moreover, the proposal must be viewed in the context of the large box dormer to 86 Thorpewood Avenue. Whilst this may have been built before the street was included in the FHCA, it is part of the local context to the appeal proposal. Even so, the proposed dormer is of a far higher quality of design and is significantly smaller in scale to the box dormer, with the latter neither subservient nor proportional, albeit it is also hidden from public vantage points and the streetscene.
15. Accordingly, I find that the appeal proposal is acceptable and that it would not harm the locally listed host property and would preserve the character and appearance of the FHCA, as a whole, in that it would leave it unharmed. Whilst there would be some conflict with the SPD guidance, this would be minor and in all other respects the appeal proposal would accord with the general aims and objectives of the SPD guidance and would not result in any harm to the architectural detailing or features that contribute to the host's local listing. The proposal would thus be in accordance with policy HC1 of TLP, core policies 15 and 16 of the LCS, DM Policies 30, 31 and 36 of the LDMP, the SPD guidance and paragraphs 189, 197, 199, 200 and 202 of the Framework.

Other Matters

16. I have had regard to the concerns raised by interested parties in relation to the loss of privacy. Based on my own observations on site and the submitted plans I am satisfied that this issue would not result in any significant harm and note it is not an issue that the Council have raised in relation to this appeal. The latter is based on the assessment undertaken within the Delegated Report, which found that the proposed dormer windows, set at a higher level to the existing windows on the rear elevation and within the roof plane, would not give rise to any significant increase in overlooking compared to that which currently exists. There is no evidence before me that would lead me to reach a different finding on this issue.

Conditions

17. The Council has suggested various conditions which I have considered against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions requiring compliance with the submitted plans and for materials to match existing, are necessary and reasonable in

order to secure a high-quality development and to reflect the details included within the application. I have, however, added a list of approved plans for clarity. I have also included a condition, as suggested, requiring the submission and approval of further details of the proposed rooflights, rear dormer and alterations to the front garden, but amended the wording to cover all the details required and to make it more precise.

Conclusions

18. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR