



Appeal Decision

Site visit made on 17 November 2023

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

an Inspector appointed by the Secretary of State

Decision date: 12.12.2023

Appeal Ref: APP/C5690/D/23/3326197

47 Veda Road, Ladywell, Lewisham, London SE13 7JQ

- 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 Veda Road Ltd against the decision of The London Borough of Lewisham Council.
 - The application Ref DC/23/131489, dated 11 May 2023, was refused by notice dated 13 July 2023.
 - The development is a hip to gable roof extension, the extension of the front roof slope, and construction of a dormer to the rear roof slope.
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Decision

1. The appeal is allowed and planning permission is granted for a hip to gable roof extension, the extension of the front roof slope, and construction of a dormer to the rear roof slope at 47 Veda Road, Ladywell, Lewisham, London SE13 7JQ. in accordance with the terms of the application, Ref DC/23/131489, dated 11 May 2023, and the plans submitted with it.

Procedural Matters

2. This appeal relates to an application for planning permission for development that has been implemented, therefore the application is retrospective, and I have determined the scheme accordingly.
3. As the description of development varies between documents submitted for this appeal, I have used the description of development from the Council's decision notice as this is a full description of the development and has been used by the appellant for their statement.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the appeal dwelling and the local area with reference to the Ladywell Conservation Area and proliferation of roof additions.

Reasons

5. The appeal property is a two storey end of terrace house, located in a street of similar inter-war properties. This is within a wider mainly residential area, the significance of which as a heritage asset has been recognised by the Council through the designation of the Ladywell Conservation Area (the CA). The Ladywell Conservation Area Appraisal (2010) clarifies its significance as being

in its coherent townscape, fundamentally reflecting 19th and early 20th Century development.

6. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the CA.
7. The development includes a hip to gable alteration, a rear dormer extension replacing the full width and height of the rear roof slope and an increase in height of the front roof slope. I find that, due to the minimal increase in height of the front roof slope, and the existing stepped roof ridge characteristic of the local area, this aspect of the development is barely noticeable and does not result in any significant harm to the character and appearance of the appeal dwelling. Further, the roof lights in the front roof slope are evident in many other similar houses in the street and the change to slate from pantiles reflects the variety of materials used in the wider local area and also result in no significant harm to the character and appearance of the appeal dwelling or that of the CA.
8. However, It is evident from my site visit that the hip to gable alteration and rear roof dormer significantly alter the original appearance of the appeal dwelling, resulting in a box like and dominating addition to the appeal dwelling that is evident in wider views from within the CA, including street views from Veda Road .
9. The hip to gable alteration and rear roof dormer result in substantial harm to the character and appearance of the appeal dwelling and that of the CA. This does not accord with guidance for such development in the Lewisham Alterations and Extensions Supplementary Planning Document (2019). It is also on conflict with Policies 15 and 16 of the Lewisham Core Strategy (2011), Policies DM30, DM31 and DM36 of the Lewisham Development Management Local Plan (2014), Policy D3 and HC1 of the London Plan (2021) and Sections 12 and 16 of the National Planning Policy Framework (2023). These collectively seek to ensure that development is of high quality design, a key aspect of sustainable development, and have due regard to the importance of preserving or enhancing heritage assets.
10. The Council have not, however, imposed a direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) restricting the permitted development for such alteration and extension within the CA. Recent appeals¹ relating to an enforcement notice for the development that is the subject of this appeal and an application for a Certificate of Lawful Development (CLD) for the same development were dismissed. These found that, due to the raising of the height of the front roof slope and other alterations such as roof lights and change of materials, the development was materially different to that which was previously granted a CLD on appeal² and did not, therefore, benefit from permitted development rights under the GPDO. As such a planning application would be required for the development. It is, however, an appeal relating to the refusal of just such an application that is before me.

¹ Appeal Ref: APP/C5690/C/22/3292658 and APP/C5690/X/22/3305577

² Appeal Ref: APP/C5690/X/20/3258836

11. The appellant has set out that the development of the gable end and rear dormer without raising the height of the front roof slope represents a fallback position under the permitted development rights set out in the GDPO. I have given this substantial weight in my considerations and find that this represents a realistic fallback position.
12. For the reasons given above, I find that the raising of the height of the front roof slope of the appeal dwelling, roof lights and change of roofing material does not result in any significant harm to the character and appearance of the appeal dwelling or that of the CA. Further, I find that the rest of the appeal development results in harm to the character and appearance of the appeal dwelling and that of the CA, which would be to the same extent as harm that which would result from the realistic development fallback position under the GDPO.
13. The Council has set out that, if allowed, the appeal development would lead to the potential for cumulative harm through the proliferation of further unsympathetic roof additions. However, there is no Article 4 direction in place that would restrict the development of gable ends and rear dormers of the same type as the appeal development. The appeal dwelling is an end of terrace house, which in the local area is the minority of house types. Further, the raising of the front roof slope, roof lights and material change results in no significant harm to the character and appearance of the dwelling. Other applications for such development would be considered on their own individual merit.

Conditions

14. The appeal development is allowed in accordance with the terms of the application and the drawings submitted with it. As the development has been completed no conditions need be applied to the permission stemming from my decision.

Conclusion

15. I find that the raising of the front roof slope does not result in any significant harm to the character and appearance of the appeal dwelling or that of the CA. The rest of the appeal development would result in the same harm to both the appeal dwelling and the CA as the appellant's realistic fall-back position. I further find that the development would not result in a potential for cumulative harm through the proliferation of further unsympathetic roof additions. In these circumstances allowing the appeal is a proportionate response.

Victor Callister

INSPECTOR