



Appeal Decisions

Site visit made on 20 February 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2024

Appeal A Ref: APP/C5690/W/23/3325536

23 The Glebe, London SE3 9TG

- 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 J McDonnell against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/23/131089.
 - The development proposed is construction of a 2 bedroom, 3 persons 2 storey attached house.
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Appeal B Ref: APP/C5690/W/23/3331246

23 The Glebe, London SE3 9TG

- 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 J McDonnell against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/23/132088.
 - The development proposed is construction of a 2 bedroom, 3 persons 2 storey attached house.
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Decisions

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. The descriptions of development in my banner heading above are taken from the planning application forms. In section E of the appeal form for each appeal, it is stated that the description of development has not changed, but nevertheless, a different wording has been entered. Neither of the main parties has provided confirmation that any revised descriptions of development have been agreed. Accordingly, I have used the descriptions as they appear on the planning application forms, excluding words that are not acts of development.
3. Both appeals are for the same site, and both planning applications were refused for the same reason. Each appeal would result in a dwelling attached to No 23 The Glebe, which is a two-storey dwelling at the end of a short terrace. The main differences between the two appeal schemes are in the width of the proposed dwelling and the depth of the setback to the adjoining property at No 23. I have considered each appeal on its own merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. The paragraphs most pertinent to this appeal are unchanged, other than their numbering. As such, neither party is prejudiced by a lack of consultation on the revised Framework.

5. As the appeal site is in a conservation area, I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Main Issue

6. The main issue in both Appeal A and Appeal B is the effect of the proposed development upon the character or appearance of the Blackheath Conservation Area (CA).

Reasons

7. The Blackheath Conservation Area Character Appraisal and Supplementary Planning Document 2007 (the appraisal/SPD) indicates that the significance of the CA stems partly from its historic and architectural interest as an open heath and from its development as a suburb of London. Its special attributes are the architectural quality of many of its buildings; a relatively low density of development; and a green, well-treed and generally well-maintained environment. Furthermore, the special character of the CA is informed by (among other things) the juxtaposition of architectural set pieces and the formal uniform terraces of different periods.
8. The appraisal sets out that The Glebe is within sub-character area 10 of the CA. It comprises a small group of high-quality Italianate and Gothic villas of c1849-50 built around a horseshoe shaped street, open at both ends. While some villas survive intact, the historic set piece is somewhat diminished by later infill building. My own observations reflect this characterisation.
9. In my judgement, the significance of this part of the CA is derived from the spatial arrangement of buildings and surrounding spaces, to include building lines, the large and grand forms of the surviving villas, together with mature trees within gardens and the footway, other vegetation and boundary walls. The spaces between built forms, including those between more recent developments make an important and positive contribution to the open and spacious character of the CA.
10. The appeal site forms a side garden to No 23 and is part of an open gap towards the neighbouring semi-detached dwelling at No 25, which has a two-storey side extension. By itself, the end terrace at No 23 does not make a positive contribution to the CA, due to its small scale and relatively simple design. However, the open gap forms part of the spacious setting of the short terrace and allows views of the tree canopies along Lawn Terrace. Consequently, the appeal site makes a positive contribution to the open and spacious character of the CA.
11. For both appeal schemes, the proposed dwelling would be attached to No 23 with a two-storey element facing the street, and a single storey element to the rear. Due to the siting, overall scale and massing of the proposed dwelling, each proposal would result in built form that would occupy almost all of the existing side space to No 23. This would therefore undermine the spacious setting of the terraced row.
12. Due to the proposed width of the dwelling in Appeal A, there would be a gap of just 0.6m to the side boundary. For Appeal B, there would be a slightly wider gap of 1m, due to a narrower width for the proposed dwelling. Regardless of

the width of the remaining gap to the side boundary in each scheme, the proposed dwelling would substantially erode the existing open gap between the existing terrace and No 25, and therefore undermine the open and spacious character of the CA. Furthermore, each proposal would severely restrict the angle of view within which the tree canopies along Lawn Terrace would otherwise be visible.

13. Consequently, and having regard to all of the above, the siting, scale, height, width and overall massing of the proposed dwelling in both appeal schemes would not preserve the open and spacious character between built forms within the CA and would thus harm its significance.
14. The dwelling proposed for Appeal A would have a 1m setback from the front elevation to No 23, while that for Appeal B would be 0.6m. In both appeal schemes, the ridge height of the proposed dwelling would be slightly lower than No 23, and the proposed design and materials of the dwelling would harmonise with No 23. Consequently, the proposed dwelling would appear subordinate to No 23 in both schemes. However, these factors would not adequately mitigate the harm I have found to the character or appearance of the CA.
15. The appellant directs my attention to two nearby examples. At the opposite end of the terrace, No 17 benefits from a single storey side extension. Although the extension is close to the boundary, the open character of the CA and the spacious setting of the terrace is maintained due to its single storey height and the adjacent large area of public open space. The dwelling adjoining 50 Lawn Terrace maintains a large gap towards the neighbouring built form, even though its flank is close to the boundary.
16. Given all of the above, I find that each proposal would fail to preserve or enhance the character or appearance of the CA.
17. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
18. For both appeal schemes, I find the harm to be less than substantial in the context of the CA as a whole, due to its localised nature. Nevertheless, the harm is of considerable importance and weight. In such circumstances, and in accordance with paragraph 208 of the Framework, the harm must be weighed against any public benefits of the proposal.
19. Each proposal would be in an accessible location and support the government's objectives to use land efficiently and boost the supply of homes. A new dwelling would assist in meeting the housing needs of the borough and/or London, and as a small site, either appeal scheme could be delivered relatively quickly. This would be a public benefit, but of a limited scale given that only one dwelling is proposed in each case. Whilst each proposed dwelling would be of a high standard of design, this is a policy requirement and therefore not a public benefit.
20. I therefore conclude that each proposal would fail to preserve or enhance the character or appearance of the Blackheath CA and would cause less than

substantial harm to its significance as a designated heritage asset. In each appeal, the limited public benefits of the proposal would not outweigh the harm I have found, to which I am required to attach great weight. This fails to satisfy the requirements of the Act and the provisions of the Framework.

21. Each proposal conflicts with Policy HC1 of the London Plan 2021; Policies 15 and 16 of the Lewisham Core Strategy 2011; Policies 30, 33 and 36 of the Lewisham Development Management Local Plan 2014; and the guidance within the SPD. Taken together, these policies and guidance seek to ensure high quality design, and that new development conserves the significance of heritage assets; preserves or enhances conservation areas; and respects local distinctiveness.
22. The proposals also conflict with the Act (the objective of which I have referenced above) and the Framework, which seeks to ensure that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Other Matters

23. I have taken account of a previously dismissed appeal for a similar proposal on the same site (Appeal Ref: APP/C5690/W/22/3297613). Although I am not bound by previous decisions, I consider my overall findings to be consistent with that decision.

Conclusion

24. The proposals conflict with the development plan and the material considerations do not indicate that either appeal should be decided other than in accordance with it. Therefore, Appeal A and Appeal B are both dismissed.

J Moore

INSPECTOR