



Appeal Decisions

Site visit made on 11 September 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2024

APPEAL A

Appeal Ref: APP/A5840/W/22/3293921

9 Blenheim Grove, London SE15 4QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ben Lloyd-Ennals against the Council of the London Borough of Southwark.
 - The application Ref 21/AP/3380, is dated 23 September 2021.
 - The development proposed is the construction of a ground floor single storey rear extension with roof terrace above at upper ground floor level; new front access and entrance door to lower ground floor level and alterations to outbuilding.
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APPEAL B

Appeal Ref: APP/A5840/Y/22/3291492

9 Blenheim Grove, London SE15 4QS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Ben Lloyd-Ennals against the Council of the London Borough of Southwark.
 - The application Ref 21/AP/3381 is dated 23 September 2021.
 - The works proposed are the construction of a ground floor single storey rear extension with roof terrace above at upper ground floor level; new front access and entrance door to lower ground floor level and alterations to outbuilding.
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Decision – Appeal A

1. The appeal is allowed and planning permission is granted for the construction of a ground floor single storey rear extension with roof terrace above at upper ground floor level; new front access and entrance door to lower ground floor level and alterations to outbuilding at 9 Blenheim Grove, London SE15 4QS in accordance with the terms of the application, Ref 21/AP/3380 and the plans submitted with it, subject to the following condition:
 - 1) Within three months of the date of this decision, details of the materials for the side wall of the extension to the outbuilding hereby permitted shall be submitted to and approved in writing by the local planning authority. Within three months of the local planning authority issuing such an approval, the extension shall be completed and thereafter retained in accordance with the approved details.

Decision – Appeal B

2. The appeal is allowed and listed building consent is granted for the construction of a ground floor single storey rear extension with roof terrace above at upper ground floor level; new front access and entrance door to lower ground floor

level and alterations to outbuilding at 9 Blenheim Grove, London SE15 4QS in accordance with the terms of the application Ref 21/AP/3381 and the plans submitted with it.

Preliminary and Procedural Matters

3. No 9 Blenheim Grove is a Grade II listed building¹, within the Holly Grove Conservation Area ("the HGCA"). The appeals relate to applications for planning permission (in the case of Appeal A) and listed building consent (in Appeal B) for the same scheme. It was stated on both application forms that work had commenced, and I saw on my site visit that it appeared substantially complete.
4. The Council had not determined either application prior to the appeal. Its appeal statement confirmed that, had it been in a position to do so, it would have refused planning permission due to its concerns about the possible use of the outbuilding as separate self-contained residential accommodation. The Council did not raise any objections to the works proposed in Appeal B, and stated that it would have granted listed building consent. Nevertheless, I have statutory responsibilities in respect of the designated heritage assets, and in determining these appeals I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. The Government published revised versions of the National Planning Policy Framework ("the Framework") on 5 September 2023, and again on 19 December 2023. The amendments made did not have any bearing on the issues in these appeals, and it was therefore not necessary to seek comments from the main parties on them.

Main Issues

6. The main issue in both appeals is the effect of the proposal on the significance of the Grade II Listed building and whether it would preserve or enhance the character or appearance of the HGCA. A second main issue for Appeal A only is whether the development would lead to the provision of a self-contained residential unit.

Reasons

Designated heritage assets

7. No 9 Blenheim Grove is a large villa dating from the early part of the 19th century, constructed as part of the expansion of Peckham as a residential suburb. Externally, its stuccoed front elevation is simple with very little decoration, though the Tuscan aedicule with wreathed frieze which frames the front door adds interest. The frontage also retains what the Council suggests may be the original sliding sash windows and doors. The rear of the building has been more altered, and the evidence before me is that the windows on the rear elevation are replacements for the originals.
8. Internally, the original floor plan including staircase is still evident, though some rooms have been divided, and a section of the ground floor separated off to become the flat known as 9½ Blenheim Grove. The building has been put to a variety of uses over its long existence, during which time much of the interior

¹ List entry number 1376631

detailing has been lost – shutter boxes and panelling below windows have been removed, and ceilings and most of the plasterwork have been replaced with modern materials. Based on the information available to me, I consider that the special interest and significance of the listed building insofar as it relates to this appeal is largely derived from its age, the retained legibility of its plan form, and the quality of its street frontage.

9. The HGCA is characterised by 19th and early 20th century buildings constructed using a limited range of materials in classical and revivalist architectural styles. It contains a mixture of uses, and its significance is in its architecture and its illustrating the historic development of Peckham as a residential suburb during the 19th century. The appeal property makes a positive contribution to the streetscape, and to the character and appearance of the HGCA.
10. The works to the building retain the historic arrangement of the floor plan. The rear extension at lower ground floor level is modest in its scale and massing and is therefore subservient to the host property. It is of a modern yet simple appearance which allows the differentiation between the old and new parts of the building. The timber door leading to the terrace is of a traditional glazed 2x4 pane design which is in keeping with the design of the existing windows at the rear of the building. The terrace and lightwell railings are a simple steel design which sits well with the straightforward modern style of the rear extension. I note that also that planning permission and/or listed building consent had previously been granted for the rear extension at lower ground floor level, including the creation of the new door from the upper ground floor, the excavation of the lower terraced area, and various internal alterations².
11. At the front of the building, the new door to the lower ground floor is a four-panel timber door in a style matching the main front door above, and the timber sliding sash window alongside is consistent in style and placement with the existing windows. The alterations to the front elevation have therefore maintained the vertical rhythm of fenestration and the overall architectural hierarchy of the property. The stairwell leading down to the new entrance is discreet, and bounded by sympathetic and arrowhead metal railings.
12. The rear outbuilding lies at the far end of the yard from the back of the building. The “alterations” for which permission is sought is in fact an extension which has been added to the eastern side of the existing structure, adjacent to the boundary with No 9A. It is a simple lean-to addition to the existing structure, and not overwhelming either in size or style, and is seen separately and distinctly from the main building. Nevertheless, the timber board which has been used for part of the side wall adjacent to No 9A is not an appropriate material, but this can be addressed by a condition requiring the extension to the outbuilding to be in materials matching the existing.
13. Taking all of the above together, I conclude that the scheme has not harmed the significance of the listed building. Furthermore, it has preserved the character and appearance of the HGCA. There is therefore no conflict with the provisions of Policies P13, 12, P19 or P20 of the 2022 Southwark Local Plan (“the SLP”) which, among other things, seek to ensure that development conserves and enhance the significance of the local historic environment, including listed buildings and conservation areas.

² LPA Refs: 15-AP-3207, 15-AP-3208 and 17-AP-0865

Self-contained residential accommodation

14. In respect of the outbuilding, no change of use has been applied for. It is only the physical works, comprising a small extension to the building, which are before me, and I can only consider the planning and listed building consent applications on the basis of what has been applied for. It is not for me to determine within the bounds of this appeal whether a material change of use has occurred, nor to consider the planning merits of a potential use that has not been applied for. I note that an active enforcement case has been referred to; the information that the Council has provided in respect of whether a material change of use has occurred, and the planning considerations in respect of that allegation, are matters which sit outside of this appeal.

Other Matters

15. Interested parties raised a number of objections to the appeal proposals. To the extent that these raised material planning concerns, I have addressed them as part of the main issues. Other issues including party wall matters, questions relating to whose land a rainwater downpipe discharges, whether part of the development has been carried out on land not owned by the appellant, and disputes about the behaviour of individuals, are civil matters which cannot be considered as part of this appeal.
16. I note the concern expressed by one respondent about people being able to see into their living room when standing on part of the roof of the appeal property while they are carrying out building work. I do not seek to downplay the distress that intrusions of that type may cause. Insofar as the appeal proposals are concerned, however, the Council found that there would be no unacceptable harm caused to neighbours' living conditions in respect of a loss of privacy; none of the evidence before me, or what I saw on site, leads me to a different conclusion on that matter.
17. Finally, the Council and other interested parties referred to possible breaches of planning control. Those are matters for the Council to address to the extent it deems necessary and appropriate, rather than issues for me to consider here.

Conditions

18. The proposals for which planning permission and listed building consent have already been commenced, so the otherwise standard time limit condition for implementation is not necessary. I have conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance.
19. In respect of Appeal A, for the reasons I have set out in dealing with the first main issue, a condition relating to the materials of the outbuilding is necessary.
20. A condition setting out the approved plans is not necessary, as the development has been completed. I have not imposed the pre-occupation fire safety condition suggested by the Council. As the development has been carried out and the extension occupied, such a condition would not be enforceable. The suggested condition related solely to the matter of preventing the spread of fire, and my decision in respect of Appeal A would not, in any case, obviate the need for the development to comply with the Building Regulations in this respect. The suggested condition limiting the use of the

outbuilding to purposes ancillary to the main dwelling is neither necessary nor reasonable, for the reasons I have set out in addressing the second main issue.

21. In respect of Appeal B, the Council suggested conditions requiring the submission and approval of further details relating doors, windows and railings. However, the works have already been carried out and, as I have set out in my reasons above, I consider those details to be acceptable. A condition relating to tree protection was also suggested, but no trees which might have required protecting were described in the evidence before me, nor were any apparent during my site visit. These suggested conditions are not therefore necessary.

Conclusion

22. For the reasons set out above, I conclude that both appeals should be allowed.

M Cryan

Inspector