



Appeal Decision

Site visit made on 12 March 2024

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

an Inspector appointed by the Secretary of State

Decision date: 05 April 2024.

Appeal Ref: APP/C5690/D/23/3336162

85 Boyne Road, Lewisham, London SE13 5AN

- 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 Dr T Sajjanhar against the decision of the London Borough of Lewisham Council.
 - The application Ref DC/23/132770, dated 18 August 2023, was refused by notice dated 9 October 2023.
 - The development is the construction of a front boundary wall.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal relates to a 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 the purpose of this appeal, I have used the description from the Council's decision notice, as this is an accurate and concise description.
4. Subsequent to the decision made by the Council on the application to which this appeal relates, on 19 December 2023 the Government published the revised National Planning Policy Framework (the Framework). I consider that there have been no major changes relevant to the main issue in this appeal. It will therefore not prejudice the case of any party by making my decision with regard to the revised Framework.

Main Issue

5. The main issue is the effect on the character and appearance of the Belmont Conservation Area (the CA).

Reasons

6. The appeal property is a detached Edwardian two storey house, which is raised up steeply from the footway behind a small front garden and retaining wall. It sits in a street and local area made up of similar detached and semi-detached houses with a consistency of plan-form and layout but with a great variety in design and architectural detailing, displaying the prevailing fashion of house

design and eclectic taste of the Edwardian period. The character and appearance of the CA is defined by the coherent townscape of closely spaced houses of high quality design. As such, the appeal property contributes to the significance of the CA.

7. The Conservation Area 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.
8. The development of the replacement garden wall that is the subject of this appeal, appears to relate to the failure of the original wall as a retaining structure. Whilst the replacement wall follows the profile and brick detailing on the original wall it replaces, it omits the extensive knapped flint panel of the original wall, which is a feature evident on other front garden walls in the immediate local area and the CA.
9. It is evident from my site visit that a number of the original front retaining, and garden walls appear to have been replaced in the CA over time, including with the omission of knapped flint panels. However, it would appear that many of these are of some age and predate the designation of the CA in 2001. I have not been made aware of any planning permissions issued for replacement front garden walls in the CA subsequent to its designation.
10. The appeal dwelling sits opposite the junction of Boyne Road with Caterham Road. As a result, the appeal property appears prominently in views towards the junction along the length of Caterham Road, where the existing retaining wall appears as a plain full brick wall, without the decorative qualities of the original knapped flint panel.
11. Consequently, the omission of a knapped flint panel in the replacement wall diminishes the contribution that the appeal dwelling makes to the character and appearance of the CA and its significance. The loss of the original decorative knapped flint panel, whilst a relatively small change, does not, therefore, preserve the character or appearance of the appeal dwelling.
12. For the reasons given, I find that the development is in 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 HC1 of the London Plan (2021) and Paragraph 203 of the Framework. These collectively seek to ensure that development is of high quality design and has due regard to the importance of preserving or enhancing heritage assets.
13. I acknowledge the structural and personal circumstances that led to the original retaining wall being replaced with the omission of the original knapped flint panel. However, there is nothing before me that would lead me to conclude that the only way to replace the retaining wall and for it to function structurally would be with the omission of a knapped flint panel. The development does not, therefore, result in any significant public benefit.

Conclusion

14. Although I find the harm to the CA is less than substantial, in accordance with the Framework, great weight should be given to its conservation as a heritage asset. As there are no public benefits of the development that outweigh the

harm I have identified, the development conflicts with the development plan as a whole, and with the heritage aims of the Framework.

15. For the reasons given, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR