



Appeal Decision

Site visit made on 19 July 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2024

Appeal Ref: APP/C5690/W/23/3334109

The Bell House, Camden Row, London SE3 0QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Shaptor Capital against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/21/124253 dated xx was refused by notice dated 2 June 2023.
 - The development proposed is Partial demolition of an existing dwelling (The Bell House) and the erection of a two-storey extension to create a self-contained dwelling, together with minor amendments to the existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site is located within the Blackheath Conservation Area (CA). Therefore, as the proposal relates to a designated heritage asset, I have had special regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act.
3. For the purposes of clarity the building is not designated by the Council as a locally listed building, and is therefore not a non-designated heritage asset.
4. Although the proposal as a whole relates to the creation of two independent dwellings as a result of the partial demolition of the eastern portion, it is only the proposed development for the eastern dwelling that is in contention between the parties. I have no reason to come to an alternative view on the matter.

Main Issues

5. The main issues are:
 - Whether or not the proposal would preserve or enhance the character or appearance of the Blackheath CA;
 - The effect of the proposal upon the living conditions of adjacent residents with regards to noise; and
 - The effect of the proposal upon the living conditions of future occupants with regards to outlook.

Reasons

Character and appearance of CA

6. The appeal site is located within the Blackheath CA. Its significance, according to the Blackheath Conservation Area Appraisal (CAA), derives from its high quality, subtlety and variation, taken together with the open Heath land that is a defining part of the character of the area. The settlement grew and evolved with the advent of the railway here in the mid 1800's, and giving rise to some fine examples of Georgian housing, grand scales of terraces, and local amenities to serve them. The exceptional high quality of the townscape here makes Blackheath one of an area of architectural distinction.
7. The appeal site is a single dwelling known as The Bell House located on the north side of Camden Row. It comprises two distinctive and attached buildings that originally supported one business. The western building is described by the appellant as a 'wheelwright' with the adjacent building a 'builders'. They have both been amalgamated and converted into one residential use some time ago. The western building consists predominantly of a brick finish and pediment feature facing Camden Row with large fenestration, stringcourse band and render to the ground floor. This building overall retains an industrial aesthetic despite its conversion to residential.
8. The evidence before me demonstrates that the eastern 'builders' has been altered and I could see from the photograph of around 1939 submitted by the appellant how this building appeared at that time. Its physical attachment to the western building, its wide opening of window and door at ground floor faces Camden Row, its set back from Camden Row, expresses its industrial past and together, their combined heritage value enhances the CA.
9. Even though the CAA does not specifically comment on whether or not the Bell House contributes positively to the CA, I have come to my own view on the matter. In my view, despite the changes that have occurred, and, together with the physical attachment and the shared historical industrial association, the Bell House as a total commodity contributes positively to the character and appearance of the CA as a whole.
10. The eastern building would be substantially demolished in order to erect a modern three-bedroom dwelling. I appreciate there has been modifications made to this building in more recent times and the appellant's structural survey verifies this. They also comment that it would be problematic to develop the site whilst retaining much existing building fabric. I have no substantive evidence before me to disagree with these findings.
11. From the evidence presented by the appellant, the picture from around 1939 illustrates the 'builders' as a modest and unfussy brick building with slate roof and apertures of no specific consistency. The proposal before me is intended to reflect an industrial aesthetic conveyed through a modern interpretation. However, it would introduce a vastly contrasting building to what I viewed on site and the earlier images of the building from around 1939. Large openings facing Camden Row and use of finished material palette consisting of yellow brickwork with redbrick stringcourse, metal roof, timber screening and aluminium Crittal style windows, that takes on a contemporary warehouse aesthetic, would not resemble the authentic and more simple characteristics of

this building either in 1939 or its present day appearance. I am presented with no substantive justification for the use of much of these materials.

12. The site has an shared industrial heritage with the western building. To erect a building as this would not relate to one another and compromise the historical integrity of the Bell House as a whole, that forms a component part of the historical composition of the overall CA, with its high quality of its townscape, thereby having the effect of weakening its significance.
13. There may be modern examples of extensions located in close quarters of the appeal site. Nevertheless, this proposal would look at odds as a prominent, modern industrial style building set along a narrow lane of traditional Edwardian houses where the prevailing character relates to the early 20th century. Therefore, as it would be a new architectural interpretation of an industrial aesthetic to the street scene, it would not be a sympathetic addition to it, or to the significance of the wider CA.
14. Drawing the above together I find that the proposal would not preserve or enhance the character or appearance of the conservation area and as such be contrary to Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
15. Paragraph 206 of the National Planning Policy Framework (the Framework) advises that any harm to the significance of the heritage asset should require clear and convincing justification. Also, with reference to the Framework and proposals affecting heritage assets, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the impact of the proposal, I find that the harm to be 'less than substantial' in this instance. This harm should be weighed against the public benefits of the proposal. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the Framework.
16. To that end, an additional housing unit would amount to only one dwelling to the Borough's stock. This is a small public gain. Energy efficiencies to reduce carbon emissions and energy consumption would be designed into the building including water efficiencies that would reduce water consumption and planting to the terrace would improve biodiversity. Electric charging point and cycle parking would be introduced. Employment and local spend would arise as a result of the building process and from new occupants. However, these are all small public benefits in the round, and I apportion only limited weight to them. Overall, there are no public benefits of the scheme before me to amount to a clear and convincing justification to outweigh the harm I have identified.
17. To conclude on this main issue, the proposal would result in harm arising to the character and appearance of the Blackheath Conservation Area and contrary to Policies 15 and 16 of the Lewisham Core Strategy and the Lewisham Development Management Local Plan Policies 30 and 36 that collectively aim to secure high quality design and safeguard heritage assets, as well as Policy HC1 of the London Plan and the National Planning Policy Framework that carries the same objectives. However, I find no direct correlation to Policy 31 of the Development Management Local Plan as this is more relevant to extensions or the advice contained in the Council's Alterations and Extensions Supplementary Planning Document.

Living conditions – neighbouring occupants

18. The existing garden that supports the Bell House would be allocated to the western dwelling. The external space to support the proposed occupants would be provided by means of a roof terrace within the centre of the roof, surrounded on four sides by the hipped roof structure. Given this is the only means of external space, there would be a strong reliance on the future occupants using this space on a day to day basis for their private recreational purposes.
19. Gardens of other houses along Tranquil Vale bound the site. Numbers 67 and 69 Tranquil Vale in particular have small rear gardens and is their sole private space.
20. The roof structure would provide some mitigation to the adjacent neighbours from noise and disturbance although no precise details of any other screening measures has been explored by the appellant for me to consider at length. However, the central area would be open and given its height and the close relationship of these houses and their gardens to the appeal site, there is a high expectation that their living conditions would be adversely compromised by noise emitted from this space, especially as this is a raised level and cannot be considered to compare to a regular garden arrangement. Noise would not be reasonably restricted to the sound of voices whereby number of users of the terrace cannot be reasonably controlled, but also external audio equipment can also form part of the enjoyment of the residential home.
21. I appreciate the close relationship of houses can be part of built form. However, in this specific situation, the proposal is for a new dwelling set amongst other existing dwellings within close quarters. Although the size of the space would satisfy Council standards, and although the appellant comments on the benefits of a roof terrace including the value of plants, I apportion limited weight to these matters. There is public open space in the way of Blackheath Common within walking distance of the appeal site. However, that is not private to the appellant. Overall, by virtue of this roof terrace as a means to provide external space for the future occupiers, the living conditions of the neighbouring occupants would not be acceptably safeguarded.
22. Therefore, to conclude on this main issue, the proposal would not accord with the objectives of Policy 15 of the Lewisham Core Strategy and Policies 32 and 33 of the Lewisham Development Management Local Plan in so far as they relate to protecting living conditions only. Nor would it comply with the broad aims of the National Planning Policy Framework that seeks to protect amenity. However, given the nature of the proposal to provide a new dwelling, I find no direct relevance to the proposal and Policy 31 of the Lewisham Development Management Local Plan and the Council's advice contained within their Alterations and Extensions Supplementary Planning Document.

Living conditions - future occupants

23. The internal arrangements of the proposed dwelling at ground floor level have been designed to rely on light levels and outlook arising from the glazing system built as an integral component to the front elevation of the proposed dwelling. Although the proposed dwelling would be largely open plan in nature, a glazed dividing wall has been designed to separate habitable rooms and this

would allow for more through-light transfer and outlook from within the dwelling.

24. The high external fenestration would face in a southerly direction and would provide light levels into the ground floor together with the rooflight over the dining space. I note a Daylight Analysis has been submitted with the appeal that confirms, as a whole, that the ground floor habitable rooms would receive acceptable levels of light. Even if a car is parked in front of this large window that would interrupt the outlook and light levels into the ground floor space, and the dining room would avail of no direct outlook, all things considered, I am not of the view that the living conditions of future occupiers would be severely compromised. In addition, I am conscious that the new residents, irrespective of whether or not it would be a family, would be aware of this situation. Overall, I consider the living conditions of the future occupants safeguarded.
25. To conclude on this main issue, the proposal would comply with Policy 15 of the Core Strategy only in so far as it relates to securing living conditions, and Policy 32 of the Lewisham Development Management Local Plan, and the same aims of the National Planning Policy Framework. I find no direct relevance however to Policy D6 of the London Plan as this does not relate to living conditions.

Other Matters

26. The Council and appellant point to statutorily listed buildings located close to the site as well as other locally listed buildings. However, there is nothing before me to suggest these would be adversely affected by the proposal.
27. The appellant raises concerns regarding the Council's consistency of advice throughout the planning process. This is however a matter to be referred to the Council in the first instance and is not within my remit to comment.
28. There are no highways objections to the proposal. An absence of harm is a neutral matter which weighs neither for, nor against the appeal proposal.

Balance and conclusion

29. Although I have found in favour of the proposal with regards to the living conditions of the future occupants, I have concluded that the proposal would harm the living conditions of adjacent occupants. I also conclude that the proposal would not preserve or enhance the character and appearance of the Blackheath CA, to which I attach significant importance to safeguarding this heritage asset.
30. To this end, the proposal would conflict with the development plan as a whole and there are no other material considerations which lead me to determine the appeal otherwise than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

Alison Scott

INSPECTOR

