



# Appeal Decision

Site visit made on 6 August 2024

**by J Moore BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 27 August 2024**

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**Appeal Ref: APP/E5330/W/23/3334327**

**1 Garages, Rear of 10 Sun Lane, Blackheath, London SE3 8UG**

- 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 Mr J Singh against the decision of Royal Borough of Greenwich.
  - The application Ref is 23/1450/F.
  - The development was originally described as the construction of a single storey 3 bedrooms, 4 persons dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Council draws my attention to the appellant's Grounds of Appeal which sets out the second reason for refusal as a matter concerning the viability of an adjacent vehicle servicing centre at the rear of Sun Lane. However, the decision notice refers to matters concerning a tree. The appellant's submissions clearly address the second reason for refusal as set out in the decision notice and I am therefore satisfied that no party has been prejudiced in this matter.
3. 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.
4. The National Planning Policy Framework (the Framework) was revised in December 2023. The paragraphs most pertinent to this appeal are unchanged, other than their numbering. The main parties have had the opportunity to comment on any implications of the revised Framework within the appeal timetable.

## Main Issues

5. The main issues are the effect of the proposed development on the character or appearance of the Sun in the Sands Conservation Area (CA); and a protected tree.

## Reasons

6. The Sun in the Sands Conservation Area Character Appraisal 2007 indicates that the significance of the CA stems from its development as a 19<sup>th</sup> century hamlet based on the public house (PH) of the same name on Shooters Hill Road. Its special characteristics include the survival of buildings with individual historic interest and group value, the original grain and plot boundaries, and a large number of trees on streets and within gardens. Apart from some ancillary structures, there has been no significant development in backland areas within the CA.
7. The CA includes a number of different roads to both sides of Shooters Hill Road, with varying house styles and density including terraced, semi-detached and detached properties and some commercial uses. The CA has a strong defining pattern of street frontage properties but with some variance in the depth of setback from the footway. Sun Lane is a narrow road predominantly lined with two storey terrace properties to each side, sited close to the footway or with shallow frontages. The earlier cottages are typical of small workmen's cottages, and a modest two storey workshop is located adjacent to the forecourt area.
8. The appeal site is almost a square shaped plot of land to the rear of Nos 129 & 131 Shooters Hill Road. These properties and those at Nos 133-139 (odds) are locally listed. The appeal site is accessed from Sun Lane across an area of land described as a shared driveway on the existing plans, which appears as a forecourt with a narrow frontage to Sun Lane. It is within a short distance of the Sun in the Sands PH, and the forecourt area forms part of its original rear service yard. The area offers an important view into the rear areas behind Sun Lane and the neighbouring streets of Shooters Hill Road and Old Dover Road, and to a mature walnut tree within the appeal site, and other nearby trees in backland locations, which are protected due to their location within the CA.
9. For the above reasons, the appeal site and forecourt area make an important and positive contribution to the character and appearance of the CA.
10. The proposal would introduce residential development within a backland site, which would be an alien form of development in such a location within the CA. Due to its siting, the proposed dwelling would be at a considerable distance from the street and footway, well behind the established building line along Sun Lane. This pattern of residential development would be highly discordant to the strong street frontage character of residential properties within the CA and along Sun Lane.
11. Due to its overall scale and height, the proposed single storey detached form would be incongruous to the nearby adjacent two-storey terraced forms on Sun Lane and the semi-detached and terraced forms along Shooters Hill Road. While a single storey form would be of a similar height to other single storey structures within the vicinity of the rear of Sun Lane, the proposed dwelling would be discordant to the ancillary nature of such buildings, and it would be of a much more substantial construction.
12. Due to its footprint in relation to its plot size and shape, the proposed dwelling would occupy a comparatively large proportion of its plot, which would appear uncharacteristically wide within the CA. Due to its overall

scale, height, depth and width, together with its siting, the proposed single storey dwelling would obscure views of the rear character of Sun Lane, the protected walnut tree which is proposed for retention, and other trees in backland locations.

13. For these reasons, the proposed development would fail to preserve or enhance the character or appearance of the CA, despite the proposed use of materials to harmonise with properties along Sun Lane.
14. The appellant draws my attention to other nearby approved developments, the full details of which are not before me. It seems to me that these examples respect the scale of nearby development, the relationship of built form to the footway and the surrounding land use patterns and character, unlike the single storey proposal before me within a backland location.
15. 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. It 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. 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.
16. The proposal would support the government's objectives to boost the supply of homes and would assist in meeting the housing needs of the borough and/or London. As a small site, it could be delivered quickly. Economic benefits would arise from the construction phase, but these would be temporary, and further economic benefits would arise from additional household expenditure. However, these public benefits would be limited by their scale given that only one dwelling is proposed. Of itself, the proposed dwelling would be of a high standard of design and meet relevant standards. However, this is a policy requirement and therefore not a public benefit.
17. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the Sun in the Sands CA and would cause less than substantial harm to its significance as a designated heritage asset. 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, 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.
18. The proposal conflicts with Policies HC1, D3 and D4 of the London Plan 2021 (LP), Policies H(c), DH1, DH3, DH(h) and DH(j) of the Royal Greenwich Local Plan Core Strategy with Detailed Policies 2014 (RGLP), the Sun in the Sands Character Appraisal 2007 and the Sun in the Sands Management Strategy 2007. Taken together, these policies and guidance seek to ensure that new development is of high-quality design which conserves the significance of heritage assets, preserves or enhances conservation areas, and respects local character and distinctiveness.

19. I note that the Council's reason for refusal refers to Policy DH(a) of the RGLP, but as this policy concerns residential extensions, I do not find it directly relevant to the proposal before me.

### *Protected Tree*

20. Due to its location within the CA, the mature walnut tree is protected. The appellant's arboricultural report dated 2021 identifies the tree as a category B tree, with a positive value in the landscape, a life expectancy of 20 years or more, and a root protection area (RPA) of over 11m. The report was prepared for a previously dismissed scheme<sup>1</sup> for a pair of semi-detached two storey dwellings. However, there is no substantive evidence before me to demonstrate if and how the size, character or RPA of the tree have changed since that time.
21. The appellant suggests that the footprint of the single dwelling would be similar to that of the dismissed scheme and 1m farther from the tree. However, it is not clear how this has been assessed. The north-easterly corner of the more regularly shaped dwelling with patio before me is much closer to the tree than the previous scheme, which included a rear projection to the northerly dwelling and a more extensive patio within the RPA.
22. Consequently, the proposal before me has a different footprint and relationship to the protected tree than that considered in the 2021 arboricultural report. In such circumstances, I cannot be certain that no adverse harm would occur to the health of the tree as a result of the proposal, nor whether the proposed construction and/or tree protection methods as set out in the arboricultural report would be acceptable.
23. I therefore conclude that the effect of the proposal upon the protected tree has not been robustly demonstrated. It conflicts with Policy G7 of the LP and Policies H(c) and OS(f) of the RGLP. Taken together, these policies seek to ensure that existing trees of value are retained wherever possible, and that trees and their root systems are protected from damage during and after building operations.

### **Conclusion**

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

*J Moore*

INSPECTOR

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<sup>1</sup> Appeal Ref: APP/E5330/W/22/3298420

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