

Appeal Decision

Site visit made on 20 August 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2024

Appeal Ref: APP/C5690/W/23/3332141

96C Waller Road, Lewisham, London SE14 5LY

- 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 Robin Spano against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/23/130516.
 - The development proposed is described as a proposed loft conversion with rooflights, floor plan redesign and all associated works at 96C Waller Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Direction made under Article 4(2) of the Town and Country Planning (General Permitted Development) (England) Order 1995 applies to the area in which the appeal property is located. The Article 4 Direction came into force on the 8 April 2008 and removes various permitted development rights for alterations and extensions, including roof alterations (Class C).

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area, with particular regard to whether it would preserve or enhance the Telegraph Hill Conservation Area.

Reasons

4. The appeal site, 96c Waller Road, is an upper floor flat within a two-storey, Victorian end terrace property, situated at the junction of Waller Road and Arbutnot Road. The surrounding area is predominantly residential comprising, dwellings of a similar scale and use. However, I also observed some variety in architectural styles including post-war buildings close to the appeal site.
5. The appeal site is within the Telegraph Hill Conservation Area (THCA). Therefore, I have had regard to Section 72(1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 which imposes a duty to have

special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

6. The significance of the THCA lies in its hillside location on the slopes of Telegraph Hill and its enclosure of a well-preserved planned development of late 19th century terraces and pairs of houses built under the control of the Worshipful Company of Haberdashers. The area's uniform and cohesive architectural character is based around two main house types (two- and three-storey) built to standardised designs within approximately 30 years between 1870-1900.
7. The houses, which includes the appeal site, are noted as good examples of late 19th century middle class houses and villas with many surviving design features such as vertical sliding sash timber windows, robust part-glazed front doors, two-storey canted bays, recessed front doors, pitched slate roofs and decorative brickwork.
8. The appeal property retains its traditional pitched roof, with two, brick-built, tall chimney stacks located on its gable. By virtue of its corner plot location, these features are highly visible within the THCA and contribute positively to the character and appearance of the area.
9. The appeal is seeking approval for three rooflights, with one to be inserted into each of the front, side, and rear roof slopes. The proposed rooflights would be aluminium and conservation style, sitting flush to the existing roof tiles.
10. The Alterations and Extensions Supplementary Planning Document (SPD) states that roofscapes within conservation areas are generally characterised by unbroken roof slopes. It also states that conspicuously located rooflights can be visually intrusive, alien elements which harm the distinctive character of the host building and its contribution to the special qualities of the conservation areas.
11. The SPD states that where rooflights have been established as an accepted and prevailing characteristic within a Conservation Area, the SPD provides further guidance stating that rooflights should be few in number, restricted to the rear or least visible roof slopes and relate well to the scale and proportions of the elevation as a whole. It also states that they should be located in the middle third, well away from chimneys, gables, ridges, verges and eaves.
12. The proposed rooflights would be positioned prominently within the front, side, and rear roof slopes, they would be located in the upper third of the roof slope, contrary to the guidance contained within the SPD, which states they should be located in the middle third. They also would appear larger than those that are visible within the wider local area. Therefore, by virtue of their size and siting, the proposed rooflights would not comply with the guidance contained within the SPD and as a result would not respect the character of the host property and would fail to make a positive contribution to the character and appearance and surrounding area.
13. In terms of visibility, I accept that from street level, the height of the appeal property means that some views of the roof slopes would be more limited

However, by virtue of its location at the junction of Waller Road and Arbuthnot Road, all of the roof slopes of the appeal property are nevertheless highly visible. In particular, the front elevation is prominent when viewed from Arbuthnot Road as it rises gradually towards Telegraph Hill Lower Park.

14. Therefore, whilst I acknowledge that the proposed rooflights would be conservation style, and aluminium, these factors do not outweigh the harm which would be caused to the host property, by virtue of the position and prominence of the proposed rooflights.
15. My attention has been drawn to a number of examples of rooflights which have been installed on Waller Road and the surrounding streets. I was able to observe most of these during my site visit. The appellant states that the presence of rooflights now forms part of the character of the area and as a result the Council has been inconsistent in its approach to decision making. However, the Council dispute this and state that rooflights are not a prevailing characteristic of the THCA.
16. Whilst I did observe the presence of rooflights in the wider local area, the majority of the examples which have been brought to my attention relate to mid terrace properties, not end terrace or corner properties. I also observed very few properties in this part of Waller Road, located between Sherwin Road and Arbuthnot Road, with rooflights visible within front, rear or side elevation. Furthermore, it is also unclear as to whether these were installed prior to the Article 4 Direction being made.
17. My attention has also been drawn to 106 Erianger Road¹, which, like the appeal site is located on a corner plot. During my site visit I observed that this property has roof lights in inserted into its front, side, and rear roof slopes. However, I understand from the evidence before me that these rooflights were approved under a previous Local Plan and prior to the adoption of the SPD.
18. Whilst I acknowledge that rooflights are present on some properties within the local area, I find that these are not part of the prevailing character, particularly in prominent corner locations such as this. As such, the examples which have been brought to my attention are not directly comparable to the appeal site. In any case, each proposal should be determined on its own merits.
19. I have had regard to the planning history of the site which includes the refusal of a previous application² and I acknowledge that the current scheme was amended to reduce the size of the rooflights. However, for the reasons set out above I have found that the appeal proposal would cause harm to the character and appearance of the area and therefore this does not alter my findings.
20. Consequently, I therefore find that the proposed development would cause harm to the character and appearance of the host property and surrounding area and thus would fail to preserve or enhance the THCA. Given the relatively small-scale nature of the proposed development, I find that this

¹ Planning Application Ref: DC/09/072988/FT

² Planning Application Ref: DC/22/126513

would amount to less than substantial harm to its significance as a designated heritage asset.

21. Paragraph 205 the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 208 of the Framework also states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
22. The proposed development involves alterations to an existing residential property to provide additional accommodation, which the appellant states will ensure the optimum viable use of the property. However, this would be a private rather than a public benefit. I have not been presented with any compelling evidence to demonstrate that there would be any public benefits arising from the proposed development.
23. For these reasons, I find that the proposal would cause harm to the character and appearance of the host property and surrounding area and would fail to preserve or enhance the THCA. There are no public benefits which have been identified that would outweigh this harm. This fails to satisfy the requirements of the Act and the provisions of the Framework.
24. Consequently, the proposed development would conflict with Policy HC1 of the London Plan, Policies 15 and 16 of the Lewisham Core Strategy 2011 (CS), and DM Policies 30, 31 and 36 of the Lewisham Development Management Local Plan 2014 (LP). Taken together these policies seek to ensure that development is of high-quality design; conserves and enhances conservation areas, taking account of their significance; and respects the form, period, architectural characteristics and detailing of original buildings.
25. It would also be contrary to the guidance contained within the SPD for the reasons set out above.

Other Matters

26. The Council accepts that the proposed rooflights would not have an adverse impact on the living conditions of future occupiers. Based on the evidence before me and my own observations, I see no reason to disagree with this conclusion. However, the absence of harm is a neutral factor which neither weighs for or against the proposal.

Conclusion

27. For the above reasons, the proposed development conflicts with the development plan taken as a whole. There are no material considerations of sufficient weight which indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

K Lancaster

INSPECTOR