



Appeal Decision

Site visit made on 5 June 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2024

Appeal Ref: APP/E5330/W/24/3339059

99 Lee Road, Lewisham, London SE3 9DZ

- 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 Joy Vyas against the decision of London Council of the Royal Borough of Greenwich.
 - The application Ref is 23/3217/HD.
 - The development proposed is construction of a single storey rear extension at upper ground floor with terrace and extension to basement at lower ground floor and associated works.
-

Decision

1. The appeal is allowed, and planning permission is granted for construction of a single storey rear extension at upper ground floor with terrace and extension to basement at lower ground floor and associated works, at 99 Lee Road, Lewisham, London SE3 9DZ in accordance with the terms of the application, Ref 23/3217/HD, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 067-GA00, 067-GA01, 067-GE01, 067-GE02, 067-GE03, 067-GE04, 067-GS01, 067-GS02 and 067-GS03.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
 - 4) All the trees shown on the 'Tree Protection Plan' (Appendix C of the BS5837 Tree Survey Report and Arboricultural Impact Assessment Report undertaken by Tree Craft dated 14.02.2024) as "to be retained" and/or any trees whose canopies overhang the site shall be protected by fencing, the location and type as set in Appendices C, D and E of this plan, which shall be erected in accordance with these details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. I have had regard to the Framework in my decision and I am

satisfied that this has not prejudiced any party, particularly as the revision to the part upon which this appeal turns is only to its paragraph number.

3. The Lee Neighbourhood Plan, 'The Neighbourhood Plan for Lee 2021-2031' (2024) (LNP) was formally adopted in April 2024 and forms part of the Development Plan for the area. The Council does not cite any policies from the Neighbourhood Plan on its decision notice.

Main Issues

4. The main issues are:

- The effect of the proposal on the character and appearance of the host property and its significance as a non-designated heritage asset (NDHA).
- Whether the proposal would preserve or enhance the character or appearance of the Blackheath Park Conservation Area (CA).

Reasons

Character and appearance of the host property, a NDHA

5. The appeal site is one of a pair of semi-detached 2.5 storey dwellings with sunk basements, set back from Lee Road, with large rear gardens. The property has a white stuccoed finish to the front elevation and a hipped slate roof with deep eaves soffit. The property has a range of architectural features including pilasters on either side of the windows at second floor level and an entablature above the first floor on the front elevation. It has upper and lower ground floor levels with lightwells to both front and rear, with access at the rear via steps. A single storey side entrance runs along the property and next to this is a brick wall with a gate to the rear garden. The rear elevation of the property is brick and is of much simpler design with symmetrical traditional windows at each level which diminish in size towards eaves height.
6. The proposed development is for a single storey extension at the upper ground floor level and extension to the basement at the lower ground floor. The proposed extension at upper ground floor level would run above the existing rear window across the side extension. The extension would measure 7.0m in depth and 6.3m in width, constructed from matching brick, with a flat roof. The extension would run across the rear of the side entrance and then be stepped downwards to the height of the existing garden wall, with this element having a glass roof. The proposal is of a different design and reduced size to the previous proposal dismissed at appeal.¹
7. Together with its attached neighbour 97 Lee Road is a Non-Designated Heritage Asset (NDHA). The local listing refers to the pair of villas and the detailed architectural features on their front elevations. The LNP also includes the appeal site and identifies the row of 10 houses between 92-110 Lee Road as Locally Listed Buildings. I therefore consider that the special interest and significance of the building is informed by its uniformed appearance as a pair with No 97, its architectural detailing to the front elevation and its contribution to the appearance of the street scene.
8. Part 1.3.3 and para i101 of the Urban Design Guide Supplementary Planning Document (2023) (SPD) says that rear extensions should respond appropriately

¹ APP/E5330/D/22/3310400

to the scale of the existing building and size of the garden. It states that a 3.6m projection to the rear is typically considered appropriate but projections beyond this can be considered for certain typologies where neighbourly amenity is not compromised. The guidance specifies that new extensions should not dominate a historic building and be of an appropriate size dependent on the impact it would have on the special architectural and historic significance of the property. I note that the Council recognises that this is one of those cases where an extension which projects beyond the 3.6m guidance set out in the SPD is appropriate. Their evidence states that in this case the depth of the proposed extension should be not greater than 5.8m to 6m.

9. The depth of the extension, although significant, would be sufficiently less than that of the host property and would retain its subservient appearance. The bulk of the proposal would also be reduced by the stepping downwards of the roof. Given the vertical emphasis of the host property I do not consider that the proposed extension would overly dominate its appearance. The proposed extension would be constructed from sympathetic materials including matching brick, with stone coping detail and aluminium glazed doors. The simple design of the proposal and its arrangement covering only one of the rear windows at upper ground level would mean that the original form of the host property would remain legible with the extension reading as a modern addition.
10. Although the proposed extension would project beyond the side walls of the main elevation of the host property, the roof line would be stepped down behind the side entrance and therefore it would not be visible when viewed from Lee Road. Thereby, the appeal property would retain its symmetrical appearance with No 97 when viewed from the front. When viewed from the rear the proposal would be seen in the context of the existing rear extension of No 97. As the proposal would not erode the symmetry of this pair of buildings it would preserve its special interest and significance.
11. I therefore conclude that the proposal does not harm the character or appearance of the host property nor harm the significance of the NDHA and complies with paragraph 209 of the Framework. Thereby, the proposal would not conflict with Policies D3 and HC1 of the London Plan (2021), Policies DH1, DH3, DH(a), and DH(j) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014) (LP), that seek, among other things the new development is of high standard of design appropriate to the building and locality, and to ensure that the character and appearance of heritage assets including locally listed buildings are preserved.

Blackheath Park Conservation Area

12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) requires special attention to be paid to preserving or enhancing the character or appearance of conservation areas. In addition, the Framework requires great weight to be given to the conservation of heritage assets.
13. The CA covers an area encompassing the eastern side of Lee Road, where the appeal site is located and extends across a large area of residential properties. The Blackheath Conservation Area Appraisal (2013) (BPCAA) describes the special interest of the area as coming from the quality and diversity of its housing, ranging from grand Georgian and Victorian villas to compact flats. It goes on to state that a signature quality of Blackheath Park is the harmonious relationship between dwellings and landscape on the long broad tree-line

avenues that run through the areas, which was evident during my site visit. Therefore, the special interest and significance of the CA as a whole is informed by the traditional buildings and their appearance within the streetscape. The appeal site and its attached neighbour are set back from the main road but have a prominent appearance because of their architectural features. As a pair they make a positive contribution to the character and appearance of the area and the special interest and significance of the CA.

14. The proposed extension is located to the rear of the host property and would lie below the height of the side extension and garden wall. The proposed development would therefore not be visible when viewed from Lee Road or the wider Conservation Area and would retain the symmetry with No 97 when viewed from the street. As the host property's contribution to the CA is in relation to the front appearance of this pair of dwellings and their setting on Lee Road, this would not be undermined by the proposal.
15. I recognise the findings of the previous inspector but that was for a materially larger scheme that would have had greater effects, whereas in this case I do not find that the proposal would be detrimental to the character or appearance of the CA. This is because the proposed changes would not be visible from the public domain. Unlike listed buildings, the significance of a CA is dependent upon how it is experienced. Under such circumstances case law² has established that proposals must be judged according to their effect on a CA as a whole and must therefore have a moderate degree of prominence. Given the above, I find that the proposal would not be detrimental to the CA and thus preserve its significance.
16. Given the above I conclude that the proposal would preserve the character and appearance of the CA. This would satisfy the requirements of the PLBCAA, paragraph 203 of the Framework and would not conflict with policies HC1 of the London Plan (2021), Policies DH3, and DH(h) of the LP, the BPCAA and the SPD that seek, among other things, to ensure that the character and appearance of conservation areas are preserved.

Other Matters

17. The Blackheath Park Conservation Group have raised concerns in relation to the lack of information about trees. An Arboricultural report was prepared by Tree Craft to support the appeal (14/2/2024), which identifies 2 trees for removal in the rear garden, which are category U and therefore are in such a condition that any existing value would be lost within 10 years. The report also identified a number of protection measures to ensure all plant movements and operations do not impact on any retained trees.
18. The Council and third parties were given an opportunity to comment on this evidence and did not wish to submit any further comments. A condition requiring compliance with the recommendations of the Arboricultural report would ensure that existing trees would be protected during development, and I have imposed such a condition.

Conditions

19. The Council have not submitted any suggested conditions. To meet legislative requirements, a condition shall be imposed to address the period for

² South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89

commencement and relevant plans (1 and 2). I shall also impose conditions for the following reasons. A condition is necessary for materials to match those on the existing dwelling to maintain the character and appearance of the area (3). I have imposed a condition specifying the relevant drawings as this provides certainty. As outlined above I have also imposed a condition to protect existing trees during construction in order to preserve the special interest and significance of the CA (4).

Conclusion

20. For the reasons given above the appeal should be allowed.

C Skelly

INSPECTOR