



Appeal Decision

Site visit made on 3 December 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/C5690/D/24/3343925

75 Ermine Road, Ladywell, Lewisham, London SE13 7JJ

- 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 Charlie Gibbons against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/23/134246.
 - The development proposed is two-storey rear extension and full internal refurbishment including extending existing lower ground floor to form a basement room with front light well, alterations and restoration to existing elevational materials, and re-designed front garden.
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Decision

1. The appeal is allowed and planning permission is granted for two-storey rear extension and full internal refurbishment including extending existing lower ground floor to form a basement room with front light well, alterations and restoration to existing elevational materials, and re-designed front garden. at 75 Ermine Road, Ladywell, Lewisham, London SE13 7JJ in accordance with the terms of the application, Ref DC/23/134246, 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 S.01, P.01, P.02, P.03, P.04, P.05, P.06, P.07, P.08, P.09, P.10, P.11, P.12, P.13, P.14, P.15, P.16, P.17, P.18, P.19, P.20, P.21, P.22.
 - 3) No development above ground level shall take place until full details of all external materials and surface finishes, including colours and samples where required by the local planning authority, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) Prior to the front door renovation, full details of the extent of the renovation should be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 5) Installation of the air source heat pump (ASHP) shall not take place until full details, including its size, siting, appearance and specification, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host building and whether the proposal would preserve or enhance the character or appearance of the Ladywell Conservation Area (CA).

Reasons

3. The site sits at the edge of the CA, on the eastern side of Ermine Road. The CA character appraisal describes the area as being of a residential Victorian / Edwardian suburban character. The host building and neighbouring dwellings along this side of the road were built by the same builder (Samuel J. Jerrard) in the late 1800s. Decorative features, including eclectic Italianate and Gothic details, prominent gables and steep pitched roofs were a trademark feature of this developer. Alternating use of yellow stock brick or rich red brickwork for the front elevations enhances the variety of house types.
4. The area has suffered from some inappropriate alterations to the historic fabric, including removal of architectural detailing, rendering and painting. The appeal site has experienced loss of part of the boundary wall and front garden path, paving over of the front garden for car parking, alterations to the bay roof and external painting. Nevertheless, the relationships between the Jerrard houses along this part of the road and their complementary traditional forms, materials and features contribute to the significance and overall historic coherence of the CA.
5. The Alterations and Extensions Supplementary Planning Document Adopted April 2019 (the SPD) states that two storey rear additions are generally not acceptable in conservation areas, as they intensify the present level of development, overwhelm the original building with new work and obscure many of its architectural qualities. Bulky two storey additions are entirely unacceptable where the consistency of form and repetitive rhythm of unaltered rear elevations make an important contribution to the character of the area. However, alterations to rear elevations and two storey rear extensions are a common feature of the Jerrard houses. Rear extensions vary in their size, design and degree of aesthetic integration. The level of consistency of rear elevations in this location is thus somewhat limited.
6. The host dwelling already features a poor quality two-storey rear extension, including a full width ground floor extension. The proposed extension would replace this, projecting slightly further from the main rear wall of the dwelling. It would also include an additional projection at upper ground floor behind the existing side offshoot, currently occupied by an external terrace. This additional element would be of a more lightweight design, with a distinctive timber framing, set in from the main side and rear elevations of the proposed extension and with a lower flat roof. While it would obscure the upper ground floor rear window and door, the window would be retained internally and would remain a visible feature through the heavily glazed rear elevation.
7. Given the scale of the host dwelling, and the overall modest projection and subservient form of the proposed extension, it would not overwhelm the original building or appear bulky, nor would it unduly compromise the readability of the rhythm and pattern of the rear elevations of this group. As each scheme must be considered on its individual merits, the proposal would not set a harmful precedent.

8. The proposal would also comprise various alterations to the front garden of the property, including the provision of a lightwell in front of the existing bay. The SPD highlights that, in conservation areas, the cumulative effects of lightwells and roof lights, perimeter railings, access arrangements and exposed masonry diminish distinctive local character. It indicates that they are visually intrusive elements, which alter the proportional qualities of the facade above, change the relationship between the host building and its setting and frequently results in the loss of softly landscaped garden space.
9. The proposed lightwell in this case however would be modestly proportioned and would extend the architectural treatment of the building frontage into the basement, while reflecting the subordinacy of the basement level. The proposed horizontal grille would also provide a less visually intrusive alternative to guard rails. This would be in line with guidance in the SPD. Moreover, though lightwells are not a common feature of this row of Jerrard houses, I saw many examples of lightwells throughout the CA, including further along Ermine Road. In this context, and with regard to the subordinate design of the proposed lightwell, it would not appear unduly incongruous.
10. The existing front garden features limited space for soft landscaping and generally detracts from the character and appearance of the CA. The proposal however would provide for planting between the lightwell and the boundary wall, further mitigating its visual impact on the street scene. While it would result in loss of a small segment of boundary wall to provide for a wider driveway entrance, the proposal would also include replacement boundary gates and railings and the installation of a tiled path with yorkstone entrance steps, enhancing the setting of the host building.
11. Additionally, the proposal would restore the brickwork of the dwelling to its original condition, including removing existing paint, cleaning and repointing. This would reintroduce a contrast in colour between decorative features on the front elevation and the surrounding brickwork. The proposal would also remove the existing pitched roof to the front bay, reinstate the original flat roof with a decorative strapwork parapet design to match the adjoining dwelling, and include the installation of high-performance heritage glazed white painted timber sash windows.
12. The proposal would thus better reveal and restore features of the host dwelling that positively contribute to the character and appearance of the CA and its significance. It would also help to restore the unity of the pair of semis when viewed from the street. The Council considered that the other elements of the proposal were acceptable. There is no compelling reason before me to come to a different conclusion on these matters. Taken as a whole, it would have a neutral effect on the character and appearance of the host building and surrounding area, and the significance of the designated heritage asset.
13. The proposal would not have a harmful effect on the character and appearance of the host building or surrounding area. Accordingly, it would preserve the character and appearance of the CA, the preservation and enhancement of which I apportion great weight to. It would therefore accord with the clear expectations of statute in this respect¹.

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

14. The proposal would be in accordance with Policy HC1 of the London Plan March 2021, Policies 15 and 16 of the Core Strategy Development Plan Document Adopted June 2011, and DM Policies 30, 31 and 36 of the Development Management Local Plan Adopted 26 November 2014. These policies, among other provisions, seek to ensure development proposals are high quality and compatible with the special characteristics of the area, protect the historic environment and conserve the significance of heritage assets, avoiding harm and identifying enhancement opportunities. They also require that extensions to existing buildings respect and/or complement the form, setting, period architectural characteristics and detailing of the original building, and encourage the reinstatement of architectural features important to an area's character or appearance.

Other Matters

15. Concerns have been raised by an interested party regarding the effect of the proposal on the living conditions of the occupiers of 73 Ermine Road. The proposed rear extension would extend higher above the shared boundary fence than the existing extension, including an upper ground floor projection where there is currently an external terrace. The amount of development close to the boundary would thus be increased.
16. Nevertheless, this upper ground floor element of the proposal would be more modest in size comparative to the rest of the extension. It would feature a lower flat roof and shorter projection. It would also be separated from No 73 by the intervening walkways and sit at an oblique angle in views from rear facing windows. Moreover, the evidence indicates that the lower ground floor of No 73 adjacent to the boundary accommodates a utility room.
17. Any additional overshadowing to the lower ground floor or patio of No 73 would be limited for the reasons set out above and would not harm the living conditions of occupiers. The impact on the upper ground floor diner-kitchen windows would likewise be minimal, and the outlook from existing windows would not be unduly compromised. Notably, the Council also concluded that the proposal would not impact the amenity of the neighbours through loss of daylight / sunlight. Matters relating to any legal 'Right to Light' are private matters and fall outside of the scope of this appeal.
18. The proposed extension would replace the existing external upper ground floor terrace and would not have any upper ground floor windows directly facing No 73. It would thus provide enhanced privacy for the occupiers of No 73.
19. The proposal includes the provision of an air source heat pump (ASHP) within the rear garden of the property, set away from neighbouring dwellings. The evidence before me indicates that any noise from the recommended ASHP would be within acceptable levels. Notably, there were no objections raised by the Council's Environmental Protection team.
20. There is no compelling evidence to indicate that the proposal would have a harmful effect on the structural integrity of No 73. The development would be subject to the building regulations, which are beyond the scope of this appeal.

Conditions

21. The Council has suggested 2 conditions in the event the appeal is allowed. I have also had regard to the representations before me. I have set out a list of

planning conditions, having regard to the Planning Practice Guidance (PPG) and the tests for conditions set out in Paragraph 56 of the Framework.

22. In addition to the standard time limit condition, it is necessary to specify the approved plans as this provides certainty. In the interests of preserving or enhancing the character or appearance of the CA, conditions are also required to secure full details of all external materials and surface finishes, and to clarify the extent of the proposed front door renovation.
23. To ensure compliance with the recommendations within the submitted ASHP sizing and noise compliance summary, and in the interests of the living conditions of the occupiers of neighbouring properties, a condition is also required to confirm full details of the proposed ASHP prior to installation.

Conclusion

24. The appeal scheme adheres to the development plan as a whole and there are no other considerations that would outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

Ryan Cowley

INSPECTOR