

**Proof of Evidence of Joanna Ecclestone BA Hons, Dip TP, MSc
Appeal by Kitewood Estates Ltd**

Site Address: 21- 57 Willow Way, London, SE26 4QP

PINS Reference: APP/C5690/W/23/3321935

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1.0 QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Joanna Ecclestone. I am currently employed as the Senior Conservation Officer for the London Borough of Lewisham. Prior to this I worked for the London Borough of Camden as Principal Heritage Advisor, Manager of Conservation and Urban Design Team and Senior/Conservation Officer over a period of 10 years. I have also worked for English Heritage as a Historic Building Inspector, and temporarily for Islington Council as a Senior Conservation Officer. I have over 20 years of experience working on the conservation of the historic environment within the planning system. This has included leading on the negotiation of complex listed building and conservation area case work as well as experience of appeals including public inquiries.
- 1.2 I have an MSc in Historic Conservation, a Diploma in Urban Planning and a BA (Hons) degree in Archaeology.
- 1.3 I am familiar with the appeal site and the surrounding area and have visited the site and surroundings. I provided advice on the scheme through the pre-application and application stages and I agree with Reasons for refusal 4 of the application.
- 1.4 A summary of this evidence is provided separately.
- 1.5 I confirm that the opinions expressed in this proof are my true and professional opinions.

2.0 INTRODUCTION

- 2.1 This statement sets out my evidence on behalf of the London Borough of Lewisham (the Council) in respect of the appeal submitted by Kitewood Estates Ltd (the appellant) against the Council's refusal of planning permission for alterations in connection with the Demolition of existing buildings and redevelopment of the site comprising a block rising to 5/6 storeys accommodating 1,401sqm of employment floorspace (Use Classes E(g)(i)(ii)(iii)) at ground and mezzanine floors and 60 residential units (Use Class C3) above, with associated landscaping, amenity areas, cycle, car parking and refuse/recycling stores at 21- 57 Willow Way, London, SE26
- 2.2 My evidence will focus on Reason for Refusal 4; and should be read in conjunction with statements made by colleagues Antigoni Gkiza (Planning); Beth Stevens (Urban Design) and Melissa Vento (Highways and Transport). My evidence will focus on the impact of the proposed development on the surrounding heritage assets, and address points made in the appellants Heritage Statement (HS) and Townscape and Visual Impact Assessment (TVIA) submitted with the application their Statement of Case (SoC) and their Heritage Addendum (HA) .
- 2.3 Reason for refusal 4 states:
- The proposal does not demonstrate a context based design that responds to local character, including surrounding heritage assets. Furthermore, the building heights in the masterplan area are excessive and without additional information, officers cannot conclude the proposals would result in high quality design or preserve local heritage assets. The proposal is therefore contrary to policies D3, D6 and HC1 in the London Plan (2021); paragraph 126 in the NPPG and paragraphs 127, 130, 199, 200 and 203 in the NPPF (2021) and; sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.4 I will consider the significance of the site and its surroundings, assess the impact of the proposed development on the significance of the various heritage assets in the close vicinity and on their settings, consider the extent of harm caused and whether this is clearly or convincingly justified, and how this may be weighed against public benefit resulting from the proposal. My colleague Ms Gkiza will refer to my conclusions as part of the weighing up of any harm against the potential public benefits of the overall scheme.

3.0 THE SITE AND SURROUNDINGS

- 3.1 Site description

The statement of common ground and the proof of Ms Gkiza both contain an overview of the site and its surroundings. I expand upon this throughout my evidence below.

4.0 LAW, POLICY and GUIDANCE

4.1 Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act)

4.1.1 This is the legislative basis for decision making on applications that relate to the historic environment. Section 66 of the Act states that local planning authority shall have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

4.2 LB Lewisham Local Development Framework

4.2.1 The LDF in the borough consists of the Lewisham Core Strategy, the Site Allocations Local Plan, the Lewisham Town Centre Local Plan and the Development Management Local Plan.

4.2.3 Core Strategy, June 2011

Policy 16 Conservation areas, heritage assets and the historic environment sets out the Council's intention to ensure that the value and significance of the borough's heritage assets and their settings will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.

4.2.4 Development Management Local Plan, November 2014

Policy DM 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Policy DM 36 B4 states that The Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving or enhancing their character or appearance, will not grant planning permission where:

- a. **new development** or alterations and extensions to existing buildings **is incompatible with the special characteristics** of the area, its buildings, spaces, **settings** and plot coverage, scale, form and materials
- c. **development adjacent to a Conservation Area would have a negative impact on the significance** of that area.

Policy DM 36 C 7. Listed buildings states that In order to ensure the conservation of Listed Buildings the Council will:

- b. have special regard to the desirability of preserving the setting of Listed Buildings in considering any application in their vicinity, and consider opportunities for new development within the setting to enhance or better

reveal the significance of the asset

Policy DM 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest

Policy DM 37 A 1 states that The Council will protect the local distinctiveness of the borough by sustaining and enhancing the significance of non-designated heritage assets.

Policy DM 37 B 4 The Council will seek to retain and enhance locally listed buildings and structures and may use its powers to protect their character, significance and contribution made by their setting, where appropriate

Policy DM37 C 6 Development in areas of special local character should sustain and enhance the characteristics that contribute to the special local spatial, architectural, townscape, landscape or archaeological distinctiveness of these areas.

4.3 Draft Lewisham Local Plan, proposed submission document, Regulation 19 stage.

4.3.1 Policy HE1 Lewisham's Historic Environment A: The Council will seek to preserve or enhance the value and significance of Lewisham's historic environment and its setting by:

b. Celebrating Lewisham's historic environment and ensuring that it is central to reinforcing sense of place and place making;

d. d. Requiring that heritage meaningfully informs the design of development proposals, and only supporting development that preserves or enhances the significance of heritage assets and their setting.

Policy HE2: Designated Heritage Assets

G: Development proposals on sites adjacent to a Conservation Area must not have a negative impact on the setting or significance of the Conservation Area.

H: Development proposals that would result in substantial harm to the significance of a Listed Building and its setting will be strongly resisted, in line with the NPPF.

Policy HE3: Non Designated Heritage Assets

A Development proposals will only be supported where they preserve or enhance the significance of a locally listed building or other non-designated heritage asset, and the asset's setting. In particular, proposals for the sensitive retention, refurbishment and appropriate re-use of non-designated assets will be considered favourably.

B Proposals that unjustifiably harm the significance of a non-designated heritage asset and its setting will be refused.

D Within Areas of Special Local Character development proposals must:

- a. Preserve the characteristics that contribute to the area's significance, which may include the spatial, architectural, townscape, landscape or archaeological distinctiveness;
- b. Secure the retention of unlisted buildings where these contribute positively to the local distinctiveness of the area; and
- c. Ensure development in its setting preserves the area's special local character

4.3.2 Draft Site Allocation (Regulation 19)

The Draft site allocation document forms part of the Lewisham Local Plan Proposed Submission Document – Regulation 19 Stage (January 2023). It was consulted upon from 1 March to 25 April 2023. It is anticipated that the Local Plan will be formally submitted to the Secretary of State in October 2023 for the purposes of public examination. It is recognised that in advance of this, the Proposed Submission Local Plan can be afforded limited weight in decision making but, notwithstanding this, it does establish a direction of change which can be taken into account as a material consideration. It is matter of fact that it has been subject to public consultation, and it is informed by a comprehensive and proportionate evidence base. The Plan that the Council is about to submit is sound and robust, and adoptable following examination.

The appellant responded to the Reg 19 consultation and objected to Policy LWA SA 09 Willow Way Locally Significant Industrial Site (LSIS). This objection is recorded in the Council's Regulation 19 Schedule of Support and Objection June 2023 as *'Kitewood Estates raise comments in relation to the LSIS designation of the site; the mix of uses; the quantum of development; and the approach to building heights'*. In addition, The CPRE state that *mature trees on site should be retained*.

I refer to Policy LWA SA 09 Willow Way LSIS because it includes reference to the need to include public realm and environmental enhancements (18.49), **new and improved public realm and open space, (18.51), and additional planting and landscaping should be integrated to enhance the public realm (18.52)**. It also states that new development *'must respond positively to the local context, giving particular consideration to heritage assets, including the Sydenham Park Conservation Area, Halifax Street Conservation Area, Jews Walk Conservation Area, Area of Special Local Character, as well as listed building and locally listed buildings along Kirkdale'*. (18.52).

4.4 Lewisham Characterisation Study 2019

- 4.4.1 This document is part of the draft Local Plan evidence base. It was prepared with a significant level of engagement with local residents and amenity groups and therefore we consider it to be a legitimate material consideration.
- 4.4.2 It sets out a description of the physical form of the borough, its history, places, streets and buildings and divides it into five areas. The analysis provides an understanding of the particular attributes which make the borough of Lewisham what it is today, how its character varies across the borough and how this local distinctiveness might inform future approaches to managing growth and change. The Executive Summary (page 2) describes the purpose of the document: *'This study has been prepared to assist the Council, community groups, stakeholders and others with an interest in the borough to better understand Lewisham's distinctive local character. It will support preparation of the Council's new Local Plan as an evidence base document and used to inform a character and 'place-based' approach to managing growth in the borough..... The report will also inform decisions made by Council officers and should be an important tool used by developers and others investing in Lewisham to ensure proposals positively respond to the local context'*.
- 4.4.3 The analysis of character is relevant to my assessment of the character and appearance of the Conservation Areas near the site, as well as their setting, and the settings of the listed buildings on Kirkdale and the NDHAs. . In the absence of adopted conservation area appraisals for the CAs this provides a important analysis of elements which contribute to the area's character and appearance.
- 4.4.4 The appeal site lies in the western area (section 8.1) which is characterised by its development from a series of older villages on a north south spine which have continued to grow around their railway stations (8.1.7). *'Up to the 17th century, much of the area was covered by The Great North Wood which extended from Croydon in the south to Deptford in the north. It gradually became fragmented by the emergence of London's suburbs in the 18th and 19th century'*.(8.1.1) *'The topography and green space are an integral part of its character, with open spaces at high ground providing impressive views towards London and Kent. The topography also allows for views up and down roads and of local landmarks like church spires'* (8.1.8). *'Remnants of The Great North Wood are traced at New Cross, but also beyond the boundary at Sydenham Woods [sic].... the large mature street and garden trees give a sense of the once wooded character so integral to this area'* (8.1.9).
- 4.4.5 The Western area is broken down for closer analysis into neighbourhoods. 3 neighbourhoods relate to the appeal site: Sydenham Hill, Sydenham and Forest Hill.
- 4.4.6 The Sydenham Hill neighbourhood contains Sydenham Hill and Kirkdale CA, and forms part of the setting of Kirkdale ASLC and of the listed buildings on Kirkdale. *'The hilly topography is a key feature and many of the streets offer panoramas towards the city and the West End. The area has a more*

spacious and leafier feel to Sydenham to the east, of which Kirkdale Road (A2216) forms its boundary'.(page 178). Opportunities: 'Further promote the **very strong sense of woodland character in this area'**. 'Explore opportunities for street trees, SUDs and new greenways to enhance this character'; and 'Views of landmarks, up / down roads and panoramas are an important contributor to its character and could be enhanced'. (page 178)

- 4.4.7 Sydenham neighbourhood shares its western boundary with Sydenham Hill neighbourhood along Kirkdale Road. It contains the appeal site and part of Sydenham Park CA and forms part of the setting of Kirkdale ASLC, and of the LBs on Kirkdale. . 'The area has a mixed character around its centre and a predominantly residential character elsewhere, with a range of typologies from **large villas on wide tree-lined streets** to grids of Edwardian and Victorian terraces. The relocation of Crystal Palace in the 1850s made this area particularly fashionable among the wealthy which saw the emergence of **large villas on spacious streets'**. (page 176). Opportunities: Public realm improvements around the station e.g. better crossings, more planting, suitable lighting; and **celebrating the woodland legacy of the area.** (page 176)
- 4.4.8 Forest Hill neighbourhood includes Dartmouth Road (to north and east of the site) and part of the SPCA to the east of the appeal site. *The area developed speculatively from 1800, with more rapid development following the arrival of the railways in the 1840s..... It has a mixed character around the district centre, contrasting with a predominantly residential character elsewhere, from **large villas on wide tree-lined roads** to grids of Edwardian terraces further east. Interwar or post-war blocks are set within communal landscaped gardens* (page 174) . Opportunities: Celebrate the **strong sense of woodland character** through further tree planting (page 175).
- 4.4.9 For each of the sub-areas a summary plan has been created that sets out the framework priorities and character based growth opportunities (section 8.3). Of particular relevance to the appeal scheme are Themes 1 and Theme 3:
- 4.4.10 *Theme 1: Re-examine the character and historic fabric of Sydenham and Forest Hill The western area is characterised by a series of historic centres on a north-south spine, focused around their train stations. Forest Hill and Sydenham are the largest of these, designated as district centres in the borough's Core Strategy. They are vibrant and resilient hubs of activity supported by good public transport, where a wide mix of uses, such as shopping, services and other retail uses are concentrated. **The history, existing scale, grain and massing of each centre should inform a tailored and placebased strategy for growth*** (8.3.2)
- 4.4.11 *Theme 3 Celebrating historic landscape character.* It notes that, *much of the ancient woodland that once covered this area is now lost but **a strong woodland character prevails with the abundance of large mature street and garden trees, nature reserves along the railway lines, and allotments and other green spaces.** Similarly, the undulating topography is a key feature of the area and provides expansive views towards the city from*

*parks and along streets (8.3.8) It recommends that **this special historic landscape character should be celebrated by protecting and enhancing important views, promoting tree planting and stitching green spaces together through the creation of a network of green infrastructure**, and advises that a public realm framework and tree planting plan would be beneficial to develop this (8.3.9).*

4.5 The London Plan 2021

- 4.5.1 The London Plan has a range of policies concerned with London's places and spaces, which seek to deliver development which is responsive to context and the historic environment, of high quality and characterful.
- 4.5.2 Policy HC1 Heritage conservation and growth states that **Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings**. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process. At para 7.1.3 of the supporting text it states that ensuring the identification and sensitive management of London's heritage assets, **in tandem with promotion of the highest standards of architecture**, will be essential to maintaining the blend of old and new that contributes to the capital's unique character.

4.6 National Planning Policy Framework (NPPF) 2023

- 4.6.1 Paragraph 130 sets out six aims for new development that policies and decisions should aspire to. Of particular relevance to this case are
- b) are visually attractive as a result of good architecture, layout and **appropriate** and effective landscaping;
 - c) are **sympathetic to local character and history**, including the surrounding **built environment and landscape setting**, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or **maintain** a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- 4.6.2 Section 16 of the NPPF is central to the considerations of this appeal. It addresses the historic environment, identification of the significance of heritage assets and their settings, and how new development should be considered.

- 4.6.3 Para 190 presents 3 factors to take account of when determining planning applications;
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability, and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.**
- 4.6.4 Paragraph 195 states that Local planning authorities should **identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise**. They should take this into account when considering the impact of a proposal on a heritage asset, **to avoid or minimise** any conflict between the heritage asset's conservation and any aspect of the proposal.
- 4.6.5 Para 199 requires that that **great weight** should be given to the asset's conservation, irrespective of whether the development causes substantial or less than substantial harm.
- 4.6.6 Para 200 states that any harm to, or loss of, significance of a designated heritage asset, from its alteration or destruction, or from development within its setting, should require clear and convincing justification.
- 4.6.7 The assessment of levels of harm to the significance of designated heritage assets are evaluated as substantial and less than substantial and discussed in paragraphs 201 – 202. Paragraph 202 addresses less than substantial harm and advises that this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
- 4.6.8 The effect of an application on the significance of a non-designated heritage asset is dealt with in paragraph 203, which advises that it should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 4.6.9 Paragraph 206 states that Local planning authorities **should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance**. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 4.6.10 NPPF Glossary (Annex 2) describes the Setting of a heritage asset as: **The surroundings in which a heritage asset is experienced. Its extent is not**

fixed and may change as the asset and its surroundings evolve.

Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

4.7 Planning Practice Guidance 2019

4.7.1 The NPPF is supported by the National Planning Practice Guidance (NPPG). The relevant paragraphs in relation to the historic environment are as follows:

4.7.2 Why is 'significance' important in decision-making? (para 007)

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals

4.7.3 How can proposals avoid or minimise harm to the significance of a heritage asset? (para 008)

Understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm. Analysis of relevant information can generate a clear understanding of the affected asset, the heritage interests represented in it, and their relative importance.

Early appraisals, a conservation plan or targeted specialist investigation can help to identify constraints and opportunities arising from the asset at an early stage. Such appraisals or investigations can identify alternative development options, for example more sensitive designs or different orientations, that will both conserve the heritage assets and deliver public benefits in a more sustainable and appropriate way.

4.7.4 What is the setting of a heritage asset and how can it be taken into account? (para 13)

All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factorsand **by our understanding of the historic relationship between places**. For example, **buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.**

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

4.7.5 **How can the possibility of harm to a heritage asset be assessed? (para 18)**

What matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. **As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.**

4.7.6 **What is meant by the term public benefits (para 020)**

The National Planning Policy Framework requires any harm to designated heritage assets to 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 National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

4.7.7 **What are non-designated heritage assets (para 39)**

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

4.8 **Historic England Good Practice Advice in Planning: 2 , Managing Significance in Decision-Taking in the Historic Environment. March 2015**

- 4.8.1 This document gives guidance on assessing the significance of heritage assets so as to properly inform decision making. The significance of a

heritage asset is defined as the sum of its archaeological, architectural, historic and artistic interest (para 4).

4.8.2 A staged approach to assessing development proposals is set out, involving the following stages:

1. Understand the nature, extent and level of significance of heritage assets
2. Understand the impact of the proposal on that significance
3. **Avoid, minimise and mitigate impact in a way that meets the objectives of the NPPF**
4. Look for opportunities to **better reveal or enhance significance**
5. Justify any harmful impacts in terms of the sustainable development objective of conserving significance and the need for change
6. Offset negative impacts on aspect of significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected.

4.8.3 It lists the sources to use when researching significance, including the use of expert assessment (para12.3).

4.8.4 Section 18 advises that **expert advice** on where the significance lies and its sensitivity to change can be valuable in ...avoiding conflicts between the owners' reasonable aspirations for the site and its conservation, particularly if it is sought early (page 6).

4.9 Historic England, Good Practice Advice in Planning: 3, The Setting of Heritage Assets, 2017.

4.9.1 This document provides guidance on managing change in the setting of heritage assets. It notes that setting is not itself a heritage asset, nor a heritage designation... and that its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance .

4.9.2 It advocates a staged approach to proportionate decision taking comprising the following steps:

1. Identify the heritage assets and their settings that are affected.
2. Assess how and to what degree these settings make a contribution to the significance of the asset.
3. Assess the effects of the proposed development whether beneficial or harmful to that significance.
4. Explore ways to maximise enhancement or avoid or minimise harm
5. Make and document the decision and monitor outcomes.

- 4.9.3 On how settings change over time, it notes that, whilst settings which have not changed are likely to contribute particularly strongly to an asset's significance, *where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting.... **consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset'*** (Section 9, page 4). It identifies that ***negative change could include severing the last link between an asset and its original setting.***
- 4.9.4 It also discusses how views of setting can be static or dynamic, long, short or of lateral spread (Section 10, page 6).
- 4.9.5 Section 7 defines the historic character of a place **as the group of qualities derived from its past uses that make it distinctive.** This may include: its associations with people, now and through time; its visual aspects; and **the features, materials, and spaces associated with its history,** including its original configuration and subsequent losses and changes.
- 4.9.6 Section 9 (page 4) Change over time - Settings of heritage assets change over time. Understanding this history of change will help to determine how further development within the asset's setting is likely to affect the contribution made by setting to the significance of the heritage asset. Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance but **settings which have changed may also themselves enhance significance, for instance where townscape character has been shaped by cycles of change over the long term.** Settings may also have suffered negative impact from inappropriate past developments and may be enhanced by the removal of the inappropriate structure(s).
- 4.9.7 Section 9 (page 4) also notes that, because the contribution of setting to significance does not depend on public rights or ability to access it, **significance is not dependent on numbers of people visiting it;**
- 4.9.8 Section 10 (page 5) refers to the overlaps between setting and townscape/urban design. These include the degree of conscious design or fortuitous beauty and the consequent visual harmony or congruity of development, and often relates to townscape attributes such as enclosure, definition of streets and spaces and spatial qualities as well as lighting, trees, and verges, or the treatments of boundaries or street surfaces.
- 4.9.9 Section 11 (page 6) Describes views which contribute more to understanding the significance of a heritage asset. Those particularly relevant to this proposal include:
- those where town- or village-scape reveals views with unplanned or unintended beauty

4.9.10 **Historic England, Conservation Area Appraisal, Designation and Management, Advice Note 1, 2nd Edition, 2019**

4.9.11 The text following paragraph 49 states '*Most of the buildings in a conservation area will help to shape its character. The extent to which their contribution is considered as positive depends not just on their street elevations but also on their integrity as historic structures and the impact they have in three dimensions, perhaps in an interesting roofscape or skyline. Back elevations can be important, as can side views from alleys and yards*'. A list of criteria is included at Table 1, with the advice that '*a positive response to one or more of the following may indicate that a particular element within a conservation area makes a positive contribution, provided that its historic form and value have not been eroded*'.

4.10 **Historic England Listing Selection Guide Domestic 3: Suburban and Country Houses 2nd edition, Dec 2017**

4.10.1 This guidance concentrates on smaller, often suburban, detached and semi-detached private houses or villas and considers the period when the characteristics of the modern suburb as we know it today emerged. It sets out the overarching criteria of special architectural or historic interest for this type of development and as such it provides a useful guide to understanding the architectural and historic significance of the villas and their setting in the Sydenham Park Conservation Area.

4.10.2 It describes the emergence of suburban villa developments: 'From the beginning of the nineteenth century, suburban houses for the middle classes were built in increasing numbers, the majority designed by speculative builders rather than by architects. **Landowners began to realise the increased value of land for building development, especially in picturesque and tranquil areas**, and comprehensive housing speculation grew dramatically. Spurred on by an expanding railway network, the process was by the 1860s being described in the building press as a 'building mania'(para 1.8)

4.10.3 In introducing this type of housing it states that '**Principally they are defined by the space around them. They take advantage of more generous plots and are laid out with more freedom than their urban equivalent.** (page1).

4.10.4 It notes that '**houses not only show great architectural ingenuity and invention in style, materials and plan form, they were often carefully designed in relation to their garden, street layout and neighbouring**

plots'. It also recognises that that '**setting may be an important factor in assessing their special interest**' (para 2.12).

5.0 ASSESSMENT

5.0.1 This section sets out the significance of the heritage assets in the vicinity of the appeal site, and the impact of the proposed development on that significance, as well as an assessment of the degree of harm caused and justification provided. It also applies the NPPF's tests within paras 201-203 as appropriate.

5.0.2 The buildings on the appeal site itself are 1960-70s replacements for earlier housing on Willow Way, and are of no architectural significance. I have no objection in principle to their demolition subject to acceptable replacement proposals. The site of the development has some historic significance, however, as part of an early C19th suburban development, plenty of which still remains in the surrounding area, much of it designated as CA.

5.0.3 I identify the following Designated Heritage Assets as being impacted by the proposed development:

- Sydenham Park Conservation Area
- Sydenham Hill/Kirkdale CA.
- High Street Buildings, 134-146 Kirkdale, grade II, Parade of five shops with apartments above, c1896.
- 124-128 Kirkdale, grade II, Central part of a symmetrical composition made up of 2 pairs and a single house between, early to mid C19th.
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5.0.4 The following Non-designated Heritage Assets are identified as being impacted by the proposed development

- Kirkdale (formerly known as Sydenham Extension) Area of Special Local Character (ASLC)
- Nos 57 (on the corner of Charlcote Road) and 61 Kirkdale, Locally listed building (LLB).
- Bricklayers Arms Locally Listed Building (LLB)

5.0.5 For each heritage asset I will set out my assessment of the significance, including how and to what degree their setting makes a contribution to that significance; consider the impact of the development upon that significance, consider ways of avoiding, minimising or mitigating the impacts, and address their overall acceptability including applying the NPPF's tests within 200-203 as appropriate, in order to reach a balanced view as to whether I consider any harm to be acceptable.

5.1 Sydenham Park Conservation Area

- 5.1.1 Sydenham Park CA was designated in 1973 and does not yet have an adopted CA Appraisal. A description of the CA is at 7.106 of the Council's Statement of Case: a *'tightly bounded area of mid C19th and later substantial villas and smaller picturesque houses arranged principally on three streets: Sydenham Park, Sydenham Park Road, and Albion Villas Road. Unifying characteristics are the substantial plots, detached layout, large gardens to front and rear, and the many mature large-canopied trees in the front gardens which lends the streetscene a green and leafy appearance, as well as in the rear gardens and open spaces of Albion Millennium Green and Trinity Church. Views between the semi-detached villas on Sydenham Park Road, and also along Shrubland Close allow important glimpses of the large canopy trees in gardens and sites to the rear'*.
- 5.1.2 Its character comprises a harmonious combination of planned high status mid C19th detached and paired villa development on Sydenham Park and Sydenham Park Road and the more informal groupings of cottages and houses developed in a piecemeal manner on Redberry Grove and Albion Villas Road. There is a strong sense of visual separation between the CA and the areas beyond the CA boundary as experienced from the public realm, and a significant contribution is made by the front and rear gardens, trees, and open spaces which have a notably informal and natural character at Trinity Church and Albion Millennium Green, contributing to the **'strong sense of woodland character'** which the 2019 Lewisham Characterisation Study identifies in this neighbourhood (paragraph 4.4.6, above). Its appearance is of a well-tended and established suburban settlement with a green character, semi-rural in parts and an interesting diversity of architecture (some Italianate, some gothic, touches of *Rus in Urbe*). Sydenham Park and Sydenham Park Road it align closely to Historic England's descriptions of mid C19th suburban villa developments (paras 4.11.1-4.11.4 above).
- 5.1.3 The individual buildings within the CA are not designated but contribute integrally to its character and appearance. HE Advice Note 1 – Conservation Area Appraisal, Designation and Management, 2019, discusses how buildings may make a positive contribution (page 20), and includes a table of criteria at table 1 (page 21). It notes that a positive response to one or more of the criteria *'may indicate that a particular element within a conservation area makes a positive contribution, provided that its historic form and value have not been eroded'* (paras 4.9.11 above).
- 5.1.4 My assessment of the buildings on the west side of Sydenham Park in the immediate setting of the appeal site concludes that the 7 paired villas at nos 3-5, 7-9, 11-13, 15-17, 19-21, 27-29 and 31-33, and the 2 detached villas at nos 23 and 25, make a positive contribution to the CA as a result of meeting at least 4 of HE's criteria: 1) Reflecting a substantial number of other elements in the conservation area in age, style, materials, form or other

characteristics; 2) individually, or as part of a group, illustrating the development of the settlement in which it stands; 3) reflecting the traditional functional character in the area, and 4) through their use contribute to the character or appearance of the area.

- 5.1.5 One building stands out as particularly incongruous in the setting, which is Miriam Lodge, as a result of its height and form. This is seen clearly from just one view point on Sydenham Park: along the entrance drive to Trinity Church, between nos 35 and 37 Sydenham Park. The Appellant's SoC notes (paragraph 9.3.7) that *its close proximity and the fact that it is a monolithic slab block mean that its bulk is apparent*. They incorrectly state that I advised that its *bulk was not significant*; my point was that its orientation served to *lessen the visual impact*.
- 5.1.6 It is only clearly visible in one view from within the CA; although it is slightly visible between nos 18-20 Sydenham Park Road, the evergreen tree screen effectively screens it out and as a result it does not impact significantly on the setting of the buildings in the foreground. It is clearly not in keeping with the development in the foreground as seen from Sydenham Park, does not preserve the historic character of the setting, and causes harm as a result. However, this has a very different impact on the setting of the CA to that which the proposed development would have, due to the distinct way in which it is seen – down an open drive, at a distance (70m from Sydenham Park (appellant's SoC paragraph 9.3.7) and not rising above development in the foreground. Also, that impact is minimised because of its orientation, with its narrow end closest to the CA, the bulk of it is visually lessened. Clearly it would be beneficial for future development to minimise or mitigate its visual impact, e.g. through tree planting, but that is outside the scope of this application.
- 5.1.7 Having considered the documents set out at paragraphs 4.8 - 4.10 above, my assessment of the key elements of Sydenham Park CA's significance as they relate to the vicinity of the appeal site are:
- Architectural prestige and visual dominance of the planned layout of closely spaced detached and paired Italianate villas on Sydenham Park which benefit from large gardens to front and rear (gardens of 9-22 truncated in the 1980s for the William Wood housing development), and which had a historic relationship with lower, architecturally subordinate housing on Willow Way to the north.
 - Many mature large canopied trees in front gardens of villas and some on street
 - Glimpse views between each pair of villas on the north side of the road to vegetation in rear gardens, many of which also have mature large canopy trees, as well as views of tree canopy beyond the Appeal site (most significantly appreciated when the trees are in leaf)

- Strong sense of enclosure and lack of visually competing development in its setting created by the tree and vegetation screen and low scale of buildings to the north-west, (apart from Miriam Lodge to the north-).
- 5.1.8 The appellant's HS describes the Conservation Area but does not assess its significance. The appellant's HA does not comment further on the nature of the CAs significance.
- 5.1.9 To understand the contribution of the setting to the SPCA's significance, the nature of the historic setting and its development over time must be understood. Figures 6 (Tithe Map 1841) and 7 (OS map 1875) of the appellants HS indicate that the development of the villas on Sydenham Park proceeded roughly contemporaneously and in some cases a little later than the development of Willow Way, which was lined with two storey semi-detached cottages. These cottages took at least two different forms (contrary to what is surmised in the appellants HS at para 3.1.8):
- Plate 1 of the appellants HS shows nos 18-20 Willow Way (on the west side of the street) prior to demolition, weatherboarded in a similar manner to the locally listed no. 89-91 Kirkdale to the north (shown at Plate 15 of the Appellants HS).
 - The image at Appendix A of this statement shows that the cottages on the east side of Willow Way were of brick and of a similar appearance to those in Halifax Street CA nearby to the west.
- 5.1.10 This was the immediate setting that was emerging as the villas on Sydenham Park were being developed, and which formed the backdrop to those on the north side of the road. They were clearly lower in height, and secondary in architectural and townscape hierarchy, as befitted this narrower street, and provided no visual competition to the larger, more prestigious development on Sydenham Park.
- 5.1.11 Whilst these cottages no longer exist as a backdrop to the Villas, the development that they have been replaced with retains a similar hierarchical relationship in terms of height. This means that the current buildings do not compete visually with the villas on Sydenham Park, and views of them through the gaps between the villas (when the trees and vegetation are in leaf) are either screened by vegetation in the rear gardens or, where the buildings rise slightly above the canopy line, a second layer of tree canopies can be seen rising above and beyond them. Elsewhere harm has been caused by the truncation of gardens by William Wood House and its parking space.
- 5.1.9 5.1.12 HE guidance on Setting considers how settings change over time (para 4.9.3 above) and notes that '*significance still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset*' and that '*negative change could include severing the last link between an asset and its original setting*'. In the case of the villas on the north side of the road, I consider that the proposed loss of the original

hierarchical relationship between the villas on Sydenham Park and the buildings on Willow Way, to the extent proposed and with no mitigation, would sever an important remaining link between the CA and its setting, which would cause a degree of harm to the setting.

5.1.13 Regarding setting, the appellant's HS refers to the surrounding existing buildings only and concludes that the setting does not contribute to the CA's significance. It does not follow the stepped approach recommended by HE's Historic England, GPAP 3 The Setting of Heritage Assets, (para 4.9.2 above). It is not based on a well informed assessment of significance of the CA, and it does not take into account the breadth of elements that HE describe in their GPAP 3 The Setting of Heritage Assets as considerations when assessing setting, *e.g. enclosure, definition of streets and spaces and spatial qualities as well as lighting, trees, and verges or the treatments of boundaries or street surfaces* (para 4.9.8 above). It also does not take into consideration how the place has changed over time (4.9.3 above), or how character is formed by qualities from past uses including spaces and original configuration (para 4.9.5 above).

5.1.14 The appellant's narrow assessment of setting in the HS is reflected in a dismissal in the HA of any harm caused to the setting or the heritage asset's significance *'As described in 8.15.3 above, the heritage statement acknowledges that there will be change to the setting of the Sydenham Park CA but that the proposal will not affect its significance as expressed through its architectural interest and historic character. The proposal will therefore cause no harm (in NPPF terms) to the significance of the heritage asset (CA)'*.

5.1.15 I assert therefore that the HS's conclusion (that *'This change [to the setting] will have no effect on the architectural interest of the buildings within the conservation area, nor the legibility of its historic character. There will be no change to the ability of an observer to comprehend immediately the characteristics which give the conservation area its heritage value'* (HS para 8.15.3)) is not based on a sufficiently well informed appraisal of the significance of the CA or of the contribution that setting makes to that significance.

5.1.16 Following refusal of the application, townscape views were submitted which have allowed a more informed assessment of the impact on the setting of the SPCA, as follows:

5.1.17 View 10 opposite Shrublands Close

- The corner of the proposed development would be appreciable in glimpses as one progresses along the road, and experienced at close proximity with the CA
- This would erode the sense of visual separation between the CA and built form in its setting.

- I consider that the visual impact of this close proximity/height in the CA's immediate setting will cause a degree of harm to the significance of the DHA CA, (at the low end of less than substantial)

5.1.18 View 11 Carlton Terrace

- The development would be visible in the gaps between the villas and would be appreciated as rising above the roofs of Sydenham Park villas.
- The continuous form of the layout of the massing would not respond to or complement the fine grain and pattern of development in the CA.
- The combination of height, colouration and elevational detailing in the backdrop of the villas would hinder the ability to clearly appreciate the building envelope of the villas
- It would erode the sense of visual separation between the CA and development in its setting, and the currently coherent appearance from the street.
- It would obscure glimpse views of tree canopy in the setting beyond the appeal site
- I consider that the visual impact in the CA's immediate setting will cause a degree of harm to the significance of the DHA CA, (low-moderate, less than substantial)

5.1.19 View 12 – Sydenham Park Road between nos 13-15.

- The development is visually apparent at an uncomfortably close proximity through the gap, which would erode the sense of separation of the CA and development in its setting.
- It obscures views of the existing trees which are an important element in this CA
- Despite the Appellant's statement in their HA that it would be '*remaining below eaves height at the front of these houses as seen in this view*' this is not how one would read this effect of perspective in reality; instead one's would understand that the height exceeds that of the villas, at close proximity, and with little intervening landscaping to screen or soften the relationship.
- The development fails to refer to the villas' primary status, or the secondary nature of the backland site in the townscape.
- I consider that the visual impact in the CA's immediate setting will cause a degree of harm to the significance of the DHA CA, (low-moderate, less than substantial)

5.1.20 View 13 – Sydenham Park Road between nos 9-10

- Similarly to view 12 above, despite the statement in the Appellant's HA that it '*will broadly align with the eaves height to the rear of these houses as seen in this view*' it is clear that it will appear to exceed the height of the villas and will also exceed the appropriate scale for the secondary street behind.

- Trees in the back garden soften the impact of the close proximity of the proposed development somewhat, but do not obscure the height.
- I consider that the visual impact in the CA's immediate setting will cause a low degree of harm to the significance of the DHA CA, (less than substantial)

5.1.21 Overall, I consider that the visual impact of the proposed development on the significance of the SPCA as a result of development in its immediate setting would cause a degree of harm to its significance which would be in the low to moderate range of less than substantial in NPPF terms.

5.1.22 DM Policy 36 C advises that the council will refuse proposals where *development adjacent to a Conservation Area would have a negative impact on the significance of that area*. NPPF states that LPAs should *take significance into account when considering the impact of a proposal on a heritage asset, so as to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal* (paragraph 195). HE GPAP2 – *Managing Significance* adds that means of *mitigating harm* should also be considered (para 4.8.2 above), as well as looking for *opportunities to better reveal or enhance significance*. Draft Local Plan policy HE1 A states that *The Council will seek to preserve or enhance the value and significance of Lewisham's historic environment and its setting by b. Celebrating Lewisham's historic environment and ensuring that it is central to reinforcing sense of place and place making; and d. Requiring that heritage meaningfully informs the design of development proposals, and only supporting development that preserves or enhances the significance of heritage assets and their setting*.

5.1.23 I do not consider that the proposals adequately comply with the policy and guidance for the reasons set out above. In this case, I consider that the harm caused could be avoided or minimised by

- reducing the scale of the development so that it is not visible, or appears more subordinate in the views between the villas
- revising the massing to respond more sensitively to the scale and urban grain in views through the gaps between the villas,
- revision of the materials so that the upper storeys are less visually impactful in views from Sydenham Park
- revising the footprint to allow more space for tree planting that would provide a greater screen to new development

5.1.24 NPPF paragraph 200 states that *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'*. No clear or convincing justification has been put forward to demonstrate that alternative forms of development that would avoid or minimise the harm caused by this proposal are not feasible.

5.1.25 NPPF paragraph 201 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 including, where appropriate, securing its optimum viable use*'. I can identify no Heritage benefits that are proposed as part of this proposal. Please refer to my colleague Ms Gkiza's evidence for a holistic assessment of the balance of harm to designated heritage assets and public benefits.

5.2 Sydenham Hill/Kirkdale Conservation Area (SH/KCA).

5.2.1 Sydenham Hill/Kirkdale CA was designated in 1976 and does not have an adopted CA Appraisal. Its character is of a prestigious C19th suburban residential development with very substantial houses and a listed 20th century housing estate on the top of the hill, and smaller houses and cottages on the slopes, all of which have distinctive forms and style and are of good architectural quality.

5.2.2 As noted in the Lewisham Characterisation Study, the hilly topography is a key feature of the Sydenham Hill neighbourhood (paragraph 5.2.2 above) and this contributes to the character of both the CA and its setting, affording long views towards Kent to the south over rooftops and gardens, and including the roofline of the listed 134-146 Kirkdale (High Street Buildings) and over the appeal. The high number of mature large canopy trees within the CA and beyond (notably Sydenham Hill Wood to the north-west, and as seen in views to the south) contributes significantly to its character and appearance (the Lewisham characterisation Study refers to '*a spacious and leafy feel*' and '*very strong sense of woodland character*' in the Sydenham Hill neighbourhood, paragraph 4.4.6 above). Its appearance varies between the breathtaking nature of the larger houses and the long views, and a more cosy, semi-rural domestic character, all of which is permeated by the verdant character of the public and private spaces.

5.2.3 Having considered the documents set out at paragraphs 4.4 - 4.10 above, I consider that the key elements of significance of the CA and its setting that are relevant to this proposal rest in:

- Topography which affords long views over roofscapes and out of London
- Semi rural wooded character to much of the CA and its setting as a result of the dense vegetation, soft landscaping and number of mature large canopy trees.
- Diversity and fine grain of built form

5.2.4 Neither the Appellant's HS nor the HA refer to the significance of the SH/KCA.

5.2.5 The appeal scheme will not impact the most part of the CA, but a localised impact has been revealed by TVIA view 5 which was submitted after the application was determined. A narrow view is currently afforded from within

the south east corner of Sydenham Hill/Kirkdale CA between the upper parts of the locally listed nos 57 Kirkdale (on the corner of Charlcote Road and adjoining 2 Charlcote Road) and 61 Kirkdale (not locally listed). This affords an impressive view over the roofs and gardens of south east London towards Bromley and the horizon formed by the North Kent Downs. This is one of many views from within the CA that allows an appreciation of the relationship of the CA to its surrounding area, and which contributes positively to its setting as a result of the fine urban grain of development, the diversity of roofscape and the high level of tree canopy cover, showing a leafy suburban setting to the CA.

- 5.2.6 It may be an incidental view, and not planned, but HE's GPAP 3: Setting of Heritage Assets recognises that such views can contribute to setting and to an understanding the significance of a heritage asset, and refer specifically to views '*where town- or village-scape reveals views with unplanned or unintended beauty*' (paragraph 4.9.9, above), as is the case here.
- 5.2.7 This view will be largely terminated by the proposed development from this view point and instead the mass of the proposed building will be visible rising up to a height comparable with the horizon. This would fail to respond positively to the intervening urban form in terms of grain, scale or roof scape, and will erode the setting's relationship with the CA.
- 5.2.8 I consider that the impact on the CA's significance as a result of development in its setting would cause a low degree of harm (less than substantial in NPPF terms). Whilst this particular loss may be small and tightly focussed, its impact will fail to preserve the setting of the CA, and the cumulative impact of such losses incrementally would comprise more significant levels of harm. The London Plan policy HC1 notes that *The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed* (4.5.2, above). This requires ensuring that measures to avoid or minimise harm (NPPF paragraph 195) are given serious consideration for every proposal that could cause harm to the setting of a heritage asset, no matter how small.
- 5.2.9 This view also provides an impressive setting for the locally listed nos 57 Kirkdale a building which officers consider also makes a positive contribution to the CA in which it sits. The impact on the view would also erode the setting of this NDHA for the same reasons as set out above.
- 5.2.10 DM Policy 36 C advises that the council will *refuse proposals where development adjacent to a Conservation Area would have a negative impact on the significance of that area*. NPPF states that LPAs should *take significance into account when considering the impact of a proposal on a heritage asset, so as to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal* (paragraph 195). HE GPAP2 – Managing Significance adds that means of *mitigating harm* should also be considered (para 4.8.2 above), as well as looking for *opportunities to better reveal or enhance significance*. Draft Local Plan policy HE1 A states

that the Council will *seek to preserve or enhance the value and significance of Lewisham's historic environment and its setting by b. Celebrating Lewisham's historic environment and ensuring that it is central to reinforcing sense of place and place making; and d. Requiring that heritage meaningfully informs the design of development proposals, and only supporting development that preserves or enhances the significance of heritage assets and their setting.*

I do not consider that the policy and guidance has been adequately complied with for the reasons set out above. In this case, I consider that harm caused could be avoided or minimised by reducing the height of the building and breaking up its mass and roofline to better relate to the surrounding urban grain and scale.

5.2.11 NPPF paragraph 200 states that *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'*. No clear or convincing justification has been put forward to demonstrate that alternative forms of development are not feasible that would avoid or minimise the harm caused by this proposal.

5.2.12 NPPF paragraph 201 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 including, where appropriate, securing its optimum viable use'*. I can identify no heritage benefits that are proposed as part of this proposal. Please refer to my colleague Ms Gkiza's evidence for a holistic assessment of the balance of harm to designated heritage assets and public benefits

5.3. High Street Buildings (134-146) Kirkdale and 124-128 Kirkdale

5.3.1 High Street Buildings (134-146) Kirkdale is listed at Grade II and comprises a parade of five shops with apartments above, dating to c1896. It is described at paragraph 8.13.1 of the Appellant's HS. Its significance lies both in its ebullient architecture and its contribution to Kirkdale's history of development from a route over Sydenham Common to a Victorian High Street

5.3.2 124-128 Kirkdale is listed at grade II, and is part of a symmetrical composition made up of 2 pairs and a single house between, dating to the early to mid C19th. It is described at paragraph 8.12.1 of the Appellant's HS. Its significance lies both in its early C19th physical fabric and domestic architecture and in its historic value as physical evidence of the early phase of development of Kirkdale as a residential suburb.

5.3.3 The setting of both groups of listed buildings comprises Kirkdale, the historic residential developments surrounding it (which 124-128 was once part and which both later served through their part in the shopping parade), and areas that have seen more change through time including Willow Way opposite. The residential area is characterised broadly by substantial, high status

houses (e.g. SPCA and Jews Walk CA), intermixed with areas of more modest housing (e.g. Halifax Street CA), permeated by the verdant character of public and private spaces visible in the foreground, through gaps in development and over the tops of buildings (although this less the case in Halifax Street CA because of the tight arrangement of houses to street, but trees and vegetation still exist where there is opportunity for them and longer views of trees beyond are still afforded). Lewisham's Characterisation Study refers to the surrounding areas and notes the '*large villas on tree lined roads* (Forest Hill neighbourhood, paragraph 4.4.7 above) and the '*very strong sense of woodland character*' (Sydenham Hill neighbourhood, paragraph 4.4.5 above).

- 5.3.4 The setting of the listed buildings has inevitably changed over time as the nature of Kirkdale developed from disparate houses on a rural route, to a Victorian commercial parade, and as earlier buildings were replaced in the C20th.
- 5.3.5 HE guidance on setting addresses the effects of changes to setting over time (paragraph 4.8.3 above). The townscape context of the listed buildings has seen some regrettable losses of mid-late C19th buildings and their replacement with others in the later C20th which do not preserve the historic setting of the listed buildings, notably opposite the listed building on the corner of Willow Way (see historic photo at Appendix A), and the loss of the cottages on Willow Way in the post war period (which has diminished the quantum of more modest historic housing in the area as still evidenced by Halifax Street CA).
- 5.3.6 Whilst the loss of key elements of the historic townscape has eroded the historic setting of the listed buildings on Kirkdale, the historic loss should not be held to justify additional harm that would remove further elements of historic interest. HE guidance on setting states that *consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset.* (paragraph 4.8.3 above).
- 5.3.7 The appellant's HS describes the significance of 124-126 at 7.12.2 as follows: *The heritage value of 124-128, Kirkdale SE26 is derived from its architectural and historic interest, and the contribution it makes to the local streetscape. It is legible evidence of the early Victorian development of Upper Sydenham once the nearby London, Brighton and South Coast Railway had arrived in the 1830s. Its setting is formed by Kirkdale and other nearby commercial premises which, when combined together, form a legible high street.* The HA does not add to this assessment.
- 5.3.8 I agree with this assessment as far as it goes, but it omits to consider the origins of the road and its connections with West Wood/Sydenham Common, and its landscape character. The assessment of setting is similarly very narrow, and does not include the breadth of considerations that are advised to be considered as set out in HE GPAP 3 - The Setting of Heritage Assets (paragraphs 4.9.5, 4.9.6 and 4.9.8 above).

5.3.9 The appellant's HS describes the significance of High Street Buildings (134-146) at 7.13.2. *'The heritage value of High Street Buildings is derived from its architectural and historic interest, and the contribution it makes to the local streetscape. It is further evidence of the Victorian development of Upper Sydenham, in this case as the period reached its zenith towards the end of the 19th century. Like 124-128, Kirkdale SE26, its setting is formed by Kirkdale and other nearby commercial premises which, when combined together, form a legible high street'*. The HA does not add to this assessment.

5.3.10 The relationship between 124-128 and 134-146 (High Street Buildings) Kirkdale, and Willow Way is demonstrated in View 17 (Kirkdale opposite Willow Way). This shows the view from in front of the listed buildings. Both groups of listed buildings are located close to the junction of Kirkdale and Willow Way and have views along it. The narrow entrance way into the street, and the historic buildings on the north side are part of the historic setting of the listed buildings. A visual connection with SPCA to the east is afforded by views of the tree canopies which rise above the existing low rise buildings on Willow Way, creating a visual connection with SPCA, and retaining a visual link with the trees and wooded character that are so important to this area, as noted in the Lewisham Characterisation Study (section 4.4 above), and as still demonstrated in both Sydenham Park Conservation Area and Sydenham Hill/Kirkdale Conservation Area.

5.3.11 Lewisham Characterisation Study includes three *Themes* for the Forest Hill/Sydenham area, the first of which is titled *Re-examine the character and historic fabric of Sydenham and Forest Hill*. This states that *'The history, existing scale, grain and massing of each centre should inform a tailored and placebased strategy for growth'* (para 4.4.10 above). The proposed development would not respond to the history, or to the existing scale, grain or massing of its immediate area, and would instead result in erosion of the character of the historic townscape which contributes to the listed buildings' setting and which allows the historic development of the place to be read. The height of the proposed development would be at odds with the existing intimate and secondary character of Willow Way, and would erode the hierarchy of streets, losing the distinction between it and the principal retail street of Kirkdale, resulting in a more homogenous character.

5.3.12 The lack of new trees or soft landscaping proposed on Willow Way does not take the opportunity to reinforce the sylvan character that exists locally, as identified in the Characterisation Study for all three local neighbourhoods (paragraphs 4.4.5 -4.4.8 above) or make the connection to the historic West Wood/Sydenham Common which was a key element in the area's history.

5.3.13 The appellant's HA notes at 2.1.16. that *'Under the heading 'Conservation Comments on Listed Buildings', a point is made in paragraphs 254 and 255 of the Officer's Report that the setting of the listed buildings on Kirkdale – or at least those closest to the junction with Willow Way - 'could be mitigated by providing sufficient space for street tree planting in front of the site'*. It goes

on to respond ‘ *this appears to be a townscape and visual impact matter, as the presence or absence of nearby trees would have no effect on the heritage value of the listed buildings*’.

- 5.3.14 I disagree that it would have no effect on the heritage value (or significance) , for reasons set out in the above paragraphs. Also of relevance here is HE’s GPAP 3: Setting of Heritage Assets which refers to the overlaps between setting and townscape/urban design. ‘*These....often relates to townscape attributes such as enclosure, definition of streets and spaces and spatial qualities as well as lighting, trees, and verges, or the treatments of boundaries or street surfaces*’ (paragraph 4.9.8 above).
- 5.3.15 The appellant dismisses the opportunity for street tree planting in paragraph 9.4.2 of their statement of case, citing ‘*a need to hold the line of the street for townscape reasons. The buildings immediately to the north and south hold this historic, original street line, so to recess the accommodation on the Appeal Site would break this line and create dead book ends on both flanks*’. The images at Appendix 4 beneath show the historic and current building line, with houses set behind shallow front gardens and this pattern is broadly replicated by the existing buildings.
- 5.3.16 Visible flank or rear elevations are common occurrences at either end of a street and I disagree that these would necessarily result in a visually ‘dead’ appearance. Whilst I consider that the narrowness and intimacy of this street is important in distinguishing it in townscape terms from the principal roads of Kirkdale and Dartmouth Road, I also consider that the presence of trees is important to the character of the wider area, to the setting of the listed buildings. This is recognised in the Draft Site Allocation LWA SA 09 – Willow Way LSIS, which refers to the need to include *public realm and environmental enhancements including additional planting and landscaping which should be integrated to enhance the public realm* (paragraph 4.3.2 above). I am of the opinion that trees could be successfully integrated into the street if further design work was undertaken.
- 5.3.17 I conclude that the visual impact of the proposal in the setting of the listed buildings would cause a degree of harm (low to moderate, less than substantial in NPPF terms) to the significance of these two groups of listed buildings.
- 5.3.18 DM Policy 36 C 7b states that in order to ensure the conservation of Listed Buildings the Council will *have special regard to the desirability of preserving the setting of Listed Buildings in considering any application in their vicinity, and consider opportunities for new development within the setting to enhance or better reveal the significance of the asset*. NPPF states that LPAs should *take significance into account when considering the impact of a proposal on a heritage asset, so as to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal* (paragraph 195). HE GPAP2 – Managing Significance adds that means of *mitigating harm* should also be considered (para 4.8.2 above), as well as looking for *opportunities to*

better reveal or enhance significance. Draft Local Plan policy HE1A b & d state The Council will seek to preserve or enhance the value and significance of Lewisham's historic environment and its setting by celebrating Lewisham's historic environment and ensuring that it is central to reinforcing sense of place and place making; and by Requiring that heritage meaningfully informs the design of development proposals, and only supporting development that preserves or enhances the significance of heritage assets and their setting.

5.3.19 I do not consider that the proposal adequately complies with policy and guidance for the reasons set out above. In this case, I consider that the harm could be avoided or minimised by:

- Reducing the height to preserve the distinctive character of the historic street layout, by reinforcing the distinction between the primary street frontage and the secondary nature of Willow Way in views from Kirkdale.

5.3.20 Mitigation of the harm caused by loss of the tree canopy could also be achieved by incorporating sufficient space for new street trees on Willow Way.

5.3.21 These measures would, in their different ways, also serve to better reveal the character of the historic environment in line with HE GPAP2 – Managing Significance and enhance the contribution that the setting makes to the significance of the listed buildings on Kirkdale.

5.3.22 NPPF paragraph 200 states that *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'*. No clear or convincing justification has been put forward to demonstrate that alternative forms of development are not feasible that would avoid or minimise the harm caused by this proposal.

5.3.23 NPPF paragraph 201 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 including, where appropriate, securing its optimum viable use'*. I have not identified any Heritage benefits that are proposed as part of this proposal. Please refer to my colleague Ms Gkiza's evidence for a holistic assessment of the balance of harm to designated heritage assets and public benefits.

5.4 Kirkdale Area of Special Local Character (formerly known as Sydenham Extension)

5.4.1 This area was identified by Council officers in 2014 following a commitment in the 2014 Local Plan to identify and adopt ASLCs. 12 ASLCs were identified by officers, but have not yet been consulted upon or adopted. ASLCs are referred to as non-designated heritage assets in Local Plan policy DM37.

5.4.2 The area's proposed boundary is as set out in the Council's Statement of Case at paragraph 7.108. It was originally part of proposals by the Sydenham

Society to extend and link conservation areas at Cobb's Corner, Jew's Walk, Halifax Street and Sydenham Park.

5.4.3 Kirkdale forms the linear spine that connects these designated areas, and in fact pre-dates them, as it was an early route over Sydenham Common (see historic maps at Figs 4- 5 of the Appellants HS). It is located on the slopes of Sydenham Hill which is part of a longer ridge of hills that runs across South London, from Norwood to Brockley, and which was largely still woodland until the 18th century. The Great North Wood was – *'a natural oak forest that had once stretched from unbroken from Croydon to Camberwell, [and had been] broken up by the seventeenth Century, into smaller woods and commons, including Penge Wood, Gipsy Wood, Dulwich Wood, Forest Wood (or Forest Hill), and Westwood (also called Sydenham Common)'* (ref: <https://pasttense.co.uk/2019/10/20/today-in-londons-radical-history-1614-lewisham-residents-demonstrate-against-the-enclosure-of-sydenham-common/comment-page-1/>).

5.4.4 This route subsequently became the principal route in this area, named 'Sydenham Common' on the 1841 tithe map (Fig 6 of the Appellant's HS), and (from south – north) Kirkdale – High Street - Sydenham Hill Road some 30 years later on the 1875 OS map (Fig 7 of Appellant's HS). In its role as the High Street it provided shops and services to the residential developments in its immediate setting. It is architecturally distinguished by a number of listed buildings (paragraphs 5.3.1 & 5.3.2 above) and locally listed buildings (The Fox and Hounds PH (section 7.7 of the appellants HS) and the former Woodman PH (para 7.16.3 of the appellants HS and plate 23). Impressive long views from it and of it are afforded by the topography.

5.4.5 Its significance lies in

- its collection of buildings which reveal the historic development of the street, and the topography which allows it to be seen in a wider context;
- its contribution to the history of development of the West Wood/Sydenham Common post-enclosure, and
- its part in the Victorian suburban development of this part of London which is reflected in the designations of several areas in its immediate setting which it is integrally related to historically and through visual interrelationships.

5.4.6 It has been eroded by loss of some historic buildings, insensitive replacements, and general erosion of shopfronts, but sufficient historic fabric remains for its origins to be appreciable and many opportunities exist for enhancement and better revealing the history and significance.

5.4.7 The ASLC's immediate setting includes the Conservation Areas to the south (Cobbs Corner), west (Jews Walk and Halifax Street), north (Sydenham Hill/Kirkdale, and east (Sydenham Park). These comprise residential developments dating throughout the C19th and C20th centuries, with a mix of housing types and heights which spanned society's classes, and a

consequent variety of street widths, including wide streets with front gardens and trees (e.g. Jews Walk, Sydenham Park) and narrower streets with shallow front gardens (e.g. Halifax Street). The appeal site lies very close to the ASLC and falls within its immediate setting.

- 5.4.8 This setting contributes to the ASLC's significance by virtue of the interrelated and contemporary emergence of both setting and ASLC, and the essentially interconnected nature of the residential housing and the commercial premises which served those areas and which survive to a large degree unchanged.
- 5.4.8 The proposed development would result in harm to the setting of the ASLC as a result of erosion of the character of the historic townscape which contributes to its setting and which allows the historic development of the place to be read. The height of the proposed development would be at odds with the existing intimate and secondary character of Willow Way, and would erode the hierarchy of streets, losing the distinction between it and the principal retail street of Kirkdale, resulting in a more homogenous character.
- 5.4.9 The lack of new trees or soft landscaping proposed on Willow Way fails to take the opportunity to reinforce the sylvan character that exists locally, as identified in the Characterisation Study (at paragraphs 4.4.7 and 4.4.10 above), or to make the connection to the historic West Wood/Sydenham Common which was a key element in the ASLCs history.
- 5.4.10 The applicant's HS does not address the ASLC. The appellant's HA provides an assessment (paragraph 2.1.13), which identifies that *'its heritage value is formed by the architectural interest and complementary functions of its buildings (listed and otherwise), its historical interest as a mid-Victorian 'neighbourhood centre', and the artistic interest of its topography, namely its climb from the junction of Jews Walk, Sydenham Park and The Parade to the higher ground around and beyond its junction with Dartmouth Road. Its setting is formed by the residential streets which meet it from both sides, from where its patrons were historically and are currently drawn. **The presence or otherwise of trees in adjoining streets does not have a bearing on its heritage value, although it may or may not be of relevance from a townscape perspective.***' This is a very narrow assessment of setting, and the dismissal of the contribution of trees overlooks the historic and current importance of trees in the area to the historic significance.
- 5.4.11 The appellant's HA also refers to my comments on the application as replicated in the Officers Report (paragraph 250) regarding loss of visibility of the mature large canopy trees in the CA and states that *'This is a townscape and visual impact matter: from a historic environment perspective there would be no effect on the heritage value of the ASLC'*,
- 5.4.12 The advice in HE's GPAP3: Setting of Heritage Assets is relevant here as it refers to the overlaps between setting and townscape/urban design. *'These...often relates to townscape attributes such as enclosure, definition of*

*streets and spaces and spatial qualities as well as lighting, **trees**, and verges, or the treatments of boundaries or street surfaces*'. (paragraph 4.9.8 above)

- 5.4.13 I disagree with the appellant's narrow assessment of setting and assert that the presence of trees, vegetation, and woodland character area all contribute to the significance of the ALSC and its setting because of the role of woodland in the historic development of the area as set out in paragraphs 5.4.3 – 5.4.6 above, and their important contribution to the character of the wider area today.
- 5.4.14 The appellant dismisses the opportunity for street tree planting in paragraph 9.4.2 of their statement of case, citing '*a need to hold the line of the street for townscape reasons. The buildings immediately to the north and south hold this historic, original street line, so to recess the accommodation on the Appeal Site would break this line and create dead book ends on both flanks*'. The images at Appendix 4 beneath show the historic and current building line, with houses set behind shallow front gardens and this pattern broadly replicated by the existing buildings.
- 5.3.15 Visible flank or rear elevations are common occurrences at either end of a street and I disagree that these would necessarily result in a visually 'dead' appearance. Whilst I consider that the narrowness and intimacy of this street is important in distinguishing it in townscape terms from the principal roads of Kirkdale and Dartmouth Road, I also consider that the presence of trees is important to the character of the wider area and to the setting of the ASLC. I am of the opinion that trees could be successfully integrated into the streetscape if further design work was undertaken on the arrangement and scale of proposed development.
- 5.4.16 Policy DM37 C 6 states that Development in areas of special local character should *sustain and enhance the characteristics that contribute to the special local **spatial**, architectural, **townscape**, **landscape** or archaeological distinctiveness of these areas*. NPPF states that *LPA's should take significance into account when considering the impact of a proposal on a heritage asset, so as to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal* (paragraph 195). HE GPAP2 – Managing Significance adds that means of *mitigating harm* should also be considered (para 4.8.2 above) , as well as looking for *opportunities to better reveal or enhance significance*. Draft Local Plan policy HE3 D states that *within Areas of Special Local Character development proposals must: a. Preserve the characteristics that contribute to the area's significance, which may include the spatial, architectural, townscape, landscape or archaeological distinctiveness; and c. Ensure development in its setting preserves the area's special local character*.
- 5.4.17 I do not consider that the proposal has adequately complied with these policies for the reasons set out above. In this case, I consider that the harm could be avoided or minimised by

- Reducing the height to preserve the distinctive character of the historic street, by reinforcing the distinction between the primary street frontage and the secondary nature of Willow Way.

5.4.17 Mitigation of the harm caused by loss of the tree canopy could also be achieved by incorporating sufficient space for new street trees on Willow Way.

5.4.18 These measures would, in their different ways, also serve to better reveal the character of the historic environment in line with HE GPAP2 – Managing Significance (paragraph 4.8.2 above) and enhance the contribution that the street makes to the setting of Kirkdale ASLC.

5.5 Bricklayers Arms – locally listed building

5.5.1 A description of the building is included at paragraph 7.6.1 of the Appellant’s HS.

5.5.2 It sits on the corner of Willow Way and Dartmouth Road (the latter being a road created c.1812 by the Lewisham Enclosure commissioners). The 1841 Tithe Map (applicant’s HS, Figure 6) shows that development at that time was largely concentrated to the western stretch of Dartmouth Road between Kirkdale and Willow Way (including along Cheseman Street opposite, which created a significant concentration of development. A ‘beershop’ is said to have first occupied the site in 1834, using a dwelling for its premise, (<http://lewisham-heritage.wikidot.com/dartmouth-road>; sources not cited) and the first public house licensee was listed in 1858 (<https://whatpub.com/pubs/SEL/10828/bricklayers-arms-sydenham>). The existing building’s name plaque includes the date of 1924. The current building is thus the latest incarnation of a Victorian drinking establishment serving the local workers and residential population.

5.5.3 The building conforms to a well established typology for PHs from the Victorian period onwards: they were frequently sited at road junctions which had the benefit of having two street frontages and hence greater visual presence; and they were often designed to be more visually prominent than their neighbours, either through characteristics in their architecture (e.g. canted corners, projecting signage, embellishments at roof level) or through additional height, usually just one extra storey or visible attic level.

5.5.4 The Bricklayers Arms is located on a corner site and benefits from two public elevations and a prominent corner. It is not of great stature but it nonetheless has an important role in this stretch of Dartmouth Road, and it achieves something of a landmark role through its materials, strong architecture and the way it addresses the corner.

5.5.5 Its significance lies in its

- Siting on a prominent corner to attract trade and increase legibility as a PH.

- well detailed elevations in rusticated red brick and stucco which include generous and prominent fenestration on both street facing elevations parapet wall with sections of bottle balustrade and a corner chimney stack;
- its footprint and orientation to both roads either side of the junction.;
- the current incarnation of a drinking establishment that has been on this site since 1834, contemporary with the early suburban development here.
- The name directly indicates of one of the key trades that would likely have visited this PH during the early C19th and later as housing development in the area boomed. Before too long though, the clientele will have been replaced by the emerging residential community of the area around the Appeal Site.

5.5.6 Its setting is the residential neighbourhood within which it sits and which it historically served, including the original two storey semi-detached cottages on Willow Way. This setting contributes to its significance by connecting its function and the architectural expression of that use with the wider historic residential area.

5.5.7 The Lewisham Characterisation Study 2019, when discussing the character and historic fabric of Sydenham and Forest Hill (para 4.4.10 above) advises that the '*history, existing scale, grain and massing of each centre should inform a tailored and placebased strategy for growth*'. I consider that this has not successfully occurred in this instance; the impact of the development on the setting of the locally listed building as a result of the proposed development's significantly greater height, which would be markedly higher than the locally listed building would diminish its position as a local landmark in the townscape and its designed prominence as a corner PH.

5.5.8 The Applicant's HS assesses the impact at para 8.6.1 '*The site is situated little more than 25m south-east of the Bricklayers Arms and the proposed development will add new, taller buildings of greater mass to the immediate environs of the public house. This will be a change to the heritage asset's setting, but it will not be a change to the legibility of the building's architectural and historic interest, nor the ability of the observer to understand immediately the building's function*'. The HA does not add any further detail.

5.5.9 I disagree with the HS's conclusion, and consider that the proposal will result in a diminution of building's historic and architectural significance, as well as an erosion of its role in the townscape.

5.5.10 Following refusal of the application, townscape views were submitted which have allowed a more informed assessment of the impact on the setting of the locally listed building, as follows:

5.5.11 View 7 and 8 From Dartmouth Road

- Both views indicates a scale of development on the appeal site that is visually comparable with the 4 storeys of Shippenham Court on the junction of Dartmouth Road which is in excess of the two storeys of the PH.

- Additional height is justified on that position on Dartmouth Road, at the junction with Willow Way, given its principal role in the townscape, but Willow Way is very different in width and townscape hierarchy, and continuing that scale along Willow Way does not serve to support the setting of the locally listed building.
- The development would minimise the prominence of the PH by its greater scale. It would fail to provide a sensitive contextual response to the locally listed building and would divorce it from the emerging townscape. This dissociation could become cumulatively worse should the rest of the masterplan scheme be built to a similar scale, as indicated in these views.

5.5.12 I conclude therefore that a degree of harm will be caused to the significance of the NDHA (in the low range of less than substantial in NPPF terms).

5.5.13 DM37 B states that *Proposals that unjustifiably harm the significance of a non-designated heritage asset and its setting will be refused*. NPPF states that *LPA's should take significance into account when considering the impact of a proposal on a heritage asset, so as to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal* (paragraph 195). HE GPAP2 – Managing Significance adds that means of *mitigating harm* should also be considered (para 4.8.2 above), as well as looking for *opportunities to better reveal or enhance significance*. Draft Local Plan policy HE3 B states that *Proposals that unjustifiably harm the significance of a non-designated heritage asset and its setting will be refused*. I do not consider that this policy and guidance has been adequately complied with for the reasons set out above. In this case, I consider that harm caused could be avoided or minimised: by reducing the height and breaking down the massing to allow a more contextual response to the nature of the historic street and surroundings, and achieve a sympathetic relationship with the PH.

5.5.14 Introducing street trees would soften the appearance of the street at its lower levels which could mitigate the visual impact of the divergence in scale. The appellant dismisses the opportunity for street tree planting in paragraph 9.4.2 of their statement of case, citing *'a need to hold the line of the street for townscape reasons. The buildings immediately to the north and south hold this historic, original street line, so to recess the accommodation on the Appeal Site would break this line and create dead book ends on both flanks'*. The images at Appendix 4 beneath show the historic and current building line, with houses set behind shallow front gardens and this pattern broadly replicated by the existing buildings.

5.3.15 Visible flank or rear elevations are common occurrences at either end of a street and I disagree that these would necessarily result in a visually 'dead' appearance. Whilst I consider that the narrowness and intimacy of this street is important in distinguishing it in townscape terms from the principal roads of Kirkdale and Dartmouth Road, I also consider that the presence of trees is important to the character of the wider area. I am of the opinion that trees

could be successfully integrated into the street if further design work was undertaken.

5.5.16 Knitting the new development more successfully into its surroundings to respect the setting of the locally listed building would also serve to better reveal the significance of this building as an important focal point in the townscape serving both Willow Way and Dartmouth Road in line with HE GPAP2 – Managing Significance (paragraph 4.8.2 above); and enhance the contribution that its setting makes to its significance.

6.0 CONCLUSION

6.0.1 Assessment of significance

The buildings on the appeal site itself are of no architectural significance. The site has some historic significance as part of an early C19th suburban development, still evidenced by the surrounding development, much of it designated as CA.

6.0.2 The character of the wider area is analysed in the Lewisham Characterisation Study 2019. This document identifies three neighbourhoods surrounding the appeal site, Forest Hill, Sydenham Hill and Sydenham; the appeal site falls in the latter. A key theme which emerges in all three neighbourhoods is the very strong sense of woodland character, which reflects the historic development of this part of the borough from the historic Great North Wood, through incremental clearing and encroachment, to the current situation of pockets of ancient woodland in a strongly tree-ed urban environment.

6.0.2 A number of heritage assets surround the site. And these are of high significance (designated heritage assets) and some-moderate significance (non-designated heritage assets). Their significance (as they relate to the appeal site) lies in:

Sydenham Park CA:

- Architectural prestige and visual dominance of the planned layout of closely spaced detached and paired Italianate villas on Sydenham Park which benefit from large gardens to front and rear and which had a historic relationship with lower, architecturally subordinate housing on Willow Way to the north.
- Many mature large canopied trees in front gardens of villas
- Glimpse views between each pair of villas on the north side of the road to vegetation in rear gardens, many of which also have mature large canopy trees, as well as views of tree canopy beyond the Appeal site
- Strong sense of enclosure and lack of visually competing development in its setting created by the tree and vegetation screen and low scale of buildings to the north-west

- The CA's setting also contributes to significance as result of the low rise development being minimally visible and referring to the scale of the earlier two storey houses that were contemporary with the Villa development and which reflected the hierarchy between the two streets.

Sydenham Hill/Kirkdale CA

- Topography which affords long views to the south and out of London
- Semi rural wooded character to much of the CA and its setting; dense vegetation, soft landscaping and many mature large canopy trees.
- Diversity and fine grain of built form
- Positive contributors including the locally listed nos 57 Kirkdale (on the corner of Charlote Road and adjoining 2 Charlote Road) and 61 Kirkdale (not locally listed)
- Its setting also contributes to significance as a result of the long views, wooded character and fine grain of development which provides a complementary townscape.

High Street Buildings (134-146) Kirkdale

- Its ebullient architecture
- its contribution to Kirkdale's history of development from a route over Sydenham common to a Victorian High Street

124-128 Kirkdale

- its early C19th physical fabric and domestic architecture
- its historic value as physical evidence of the early phase of development of Kirkdale as a residential suburb.
- The setting of both groups of listed buildings also contribute to significance, and comprise Kirkdale, the historic residential developments surrounding it and areas that have seen more change through time including Willow Way. The surrounding residential area is characterised broadly by substantial, high status houses (e.g. SPCA and Jews Walk CA), intermixed with areas of more modest housing (e.g. Halifax Street CA), permeated by the verdant character of public and private spaces visible in the foreground, through gaps in development and over the tops of buildings.

Kirkdale ASLC

- its collection of buildings which reveal the historic development of the street and the topography which allows it to be seen in a wider context;
- its part in the Victorian suburban development of this part of London which is reflected in the designations of several areas in its immediate

setting which it is integrally related to historically and through visual interrelationships.

- Its setting also contributes to significance and includes the Conservation Areas to the south (Cobbs Corner), west (Jews Walk and Halifax Street), north (Sydenham Hill/Kirkdale, and east (Sydenham Park). Its contribution is by virtue of the interrelated and contemporary emergence of both buildings in the setting and the ASLC, and the essentially interconnected nature of the residential housing and the commercial premises which served those areas.

Bricklayers Arms LLB

- well detailed elevations in rusticated red brick and stucco which include generous fenestration on two street facing elevations;
- its footprint and orientation to both roads either side of the junction.;
- the current incarnation of a drinking establishment that has been on this site since 1834, contemporary with the early suburban development.
- The name directly indicates of one of the key trades that would likely have visited this PH during the early C19th and later as housing development in the area boomed.
- Its setting is the residential neighbourhood within which it sits and which it historically served, better revealing the building's original and current function and role in the neighbourhood.

6.1 Impact of proposed development on the significance of the heritage assets

6.1.1 The proposals cause a degree of harm to the significance of key surrounding heritage assets which varies between low to moderate (less than substantial) due to the scale, bulk, massing and footprint of the proposed building, and the lack of trees and vegetation.

6.1.2 The harm to Heritage Assets is identified as follows:

Sydenham Park CA

- The development would be visible in the gaps between the villas and would be appreciated as rising above the roofs of Sydenham Park villas, failing to refer to the villas' primary architectural status, or the secondary nature of Willow Way and its historic pattern of development
- The visible height and close proximity would erode the sense of visual separation between the CA and built form in its setting.
- The combination of height, colouration and elevational detailing in the backdrop of the villas would hinder the ability to clearly appreciate the building envelope of the villas,

- The continuous form of the layout of the massing would not respond to or complement the fine grain and pattern of development in the CA.
- Its scale would obscure glimpse views of tree canopy in the setting beyond the appeal site and the lack of intervening landscaping to screen or soften the relationship would erode the green and tree-ed character of the CA and the wider area.

Sydenham Hill/Kirkdale CA

- A characteristic view from between two buildings which make a positive contribution (one of which is a locally listed building) in the south west corner of the CA across the lower lying land will be largely terminated by the proposed development and instead the mass of the proposed building will be visible rising up to a height comparable with the horizon. This would fail to respond positively to the intervening urban form in terms of grain, scale or roof scape, and will erode the quality of the setting.

Listed Buildings at High Street Buildings (134-146) and 124-128 Kirkdale

- The proposed development would not respond to the history, or to the existing scale, grain or massing of its immediate area, and would erode of the character of the historic townscape which contributes to the listed buildings' setting
- The height of the proposed development would be at odds with the existing intimate and secondary character of Willow Way, and would erode the hierarchy of streets, losing the distinction between it and the principal retail street of Kirkdale, resulting in a more homogenous character to the listed buildings' setting
- The lack of new trees or soft landscaping proposed on Willow Way does not take the opportunity to reinforce the sylvan character that exists locally or make the connection to the historic West Wood/Sydenham Common which was a key element in the area's history and in the listed buildings' historic setting.

Kirkdale ASLC

- Erosion of the character of the historic townscape which contributes to its setting and which allows the historic development of the place to be read.
- The height of the proposed development would be at odds with the existing intimate and secondary character of Willow Way, and would erode the hierarchy of streets, losing the distinction between it and the principal retail street of Kirkdale, resulting in a more homogenous character.

- The lack of new trees or soft landscaping proposed on Willow Way fails to take the opportunity to reinforce the sylvan character that exists locally, as identified in the Characterisation Study or to make the connection to the historic West Wood/Sydenham Common which was a key element in the ASLCs history

Bricklayers Arms LLB

- The proposal will result in a diminution of the locally listed building's historic and architectural significance as a PH, as well as an erosion of its current role as a locally important and minor landmark in the townscape.

6.1.3 The harm to the designated heritage assets - which are of high significance as by virtue of their designated status - is not considered to be clearly or convincingly justified in line with NPPF and alternative options which would avoid or minimise the harm, or mitigate it, have not been tested or presented for consideration.

6.1.4 There is a low degree of harm to non-designated heritage assets which are of some-moderate heritage significance. This has been taken into account by my colleague Ms Gkiza in her balancing of harm to heritage assets against public benefits.

6.2 Public benefit

6.2.1 No heritage benefits are identified. A full assessment of the balance between harm to heritage assets and public benefits is made in my colleague Ms Gkiza's statement.

6.3 Conclusion

6.3.1 The significance of the designated and non-designate heritage assets in the vicinity of the appeal site, and the contribution that their settings make to their significance have not been thoroughly or adequately understood by the appellants'. The extent to which the proposal impacts on this significance, therefore, has been understated or not recognised. Options to avoid or minimise this harm exist, but these have not been presented by the appellant, and neither have proposals that would mitigate the harm. The harm to designated heritage assets is not considered to be clearly or convincingly justified. No heritage benefits exist and the public benefits more broadly are not considered to outweigh the harm as set out in my colleague Ms Gkiza's proof. It is not therefore in line with legislation, policy or guidance.

Appendix A



137-139 Kirkdale (1956)

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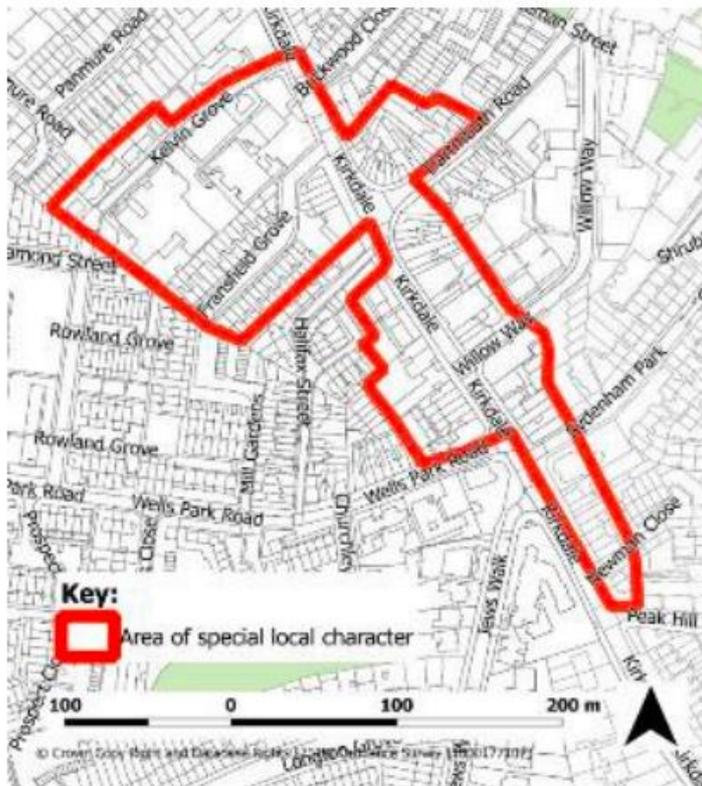
View from Kirkdale along Willow Way prior to demolition of no.139; showing narrow entrance into street, two story brick fronted semi-detached cottages on Willow Way, and tree canopy visible over their roofs.

<https://sydenhamsociety.com/galleries/historic-kirkdale/>

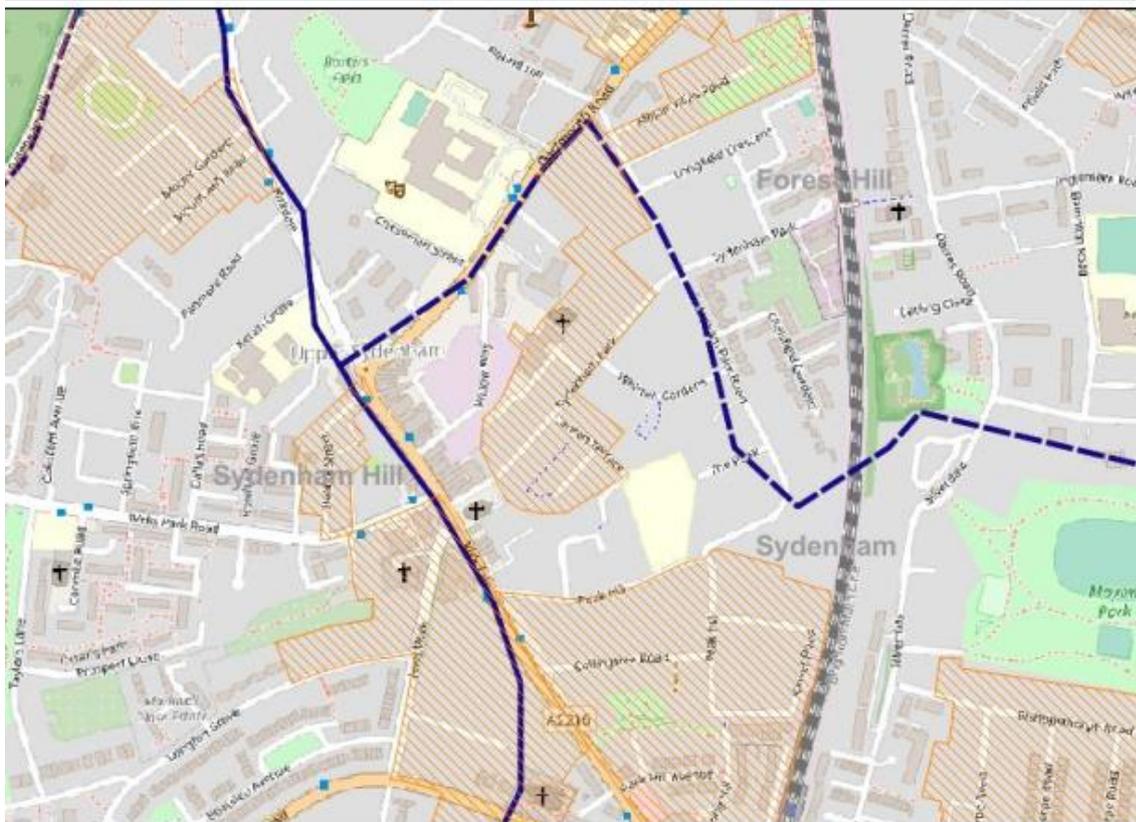


Comparable architecture nearby in Halifax Street Conservation Area.

Appendix 2 proposed boundary of Kirkdale ASLC (formerly referred to as Sydenham extension)



Appendix 3 – Plan showing Characterisation Study ‘neighbourhood’ boundaries and Conservation Areas



Appendix 4 – OS map 1897 side by side with satellite image to show comparative alignment of building line on Willow Way

