
Appeal Decision

Site visit made on 4 October 2016

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th October 2016

Appeal Ref: APP/E5330/W/16/3154320

37 Kidbrooke Grove, Kidbrooke, Greenwich SE3 0LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Iain Abrahams against Royal Borough of Greenwich Council.
 - The application Ref 16/0407/F, is dated 4 February 2016.
 - The development proposed is the demolition of an existing garage and the construction of a two storey side and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing garage and the construction of a two storey side and single storey rear extension at 37 Kidbrooke Grove, Kidbrooke, Greenwich SE3 0LJ in accordance with the terms of the application, Ref 16/0407/F, dated 4 February 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 704/A3/100, 101 Rev B, 110 Rev A, 111 Rev A, 112 Rev A, 113 Rev A, 114 Rev A, 120 Rev A, 121 Rev A, 302 Rev B, 311 Rev A, 312 Rev B, 313 Rev B, 314 Rev B, 320 Rev B, 321 Rev B, 323 Rev A and CAD Drawing.
 - 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
 - 4) No earth removal, infilling, landscaping, foundation and building works required in the implementation of the hereby approved extensions shall be carried out before 0800 on Mondays to Saturdays or after 1800 on Mondays to Fridays and 1300 on Saturdays, or at any time on Sundays or on Bank or Public Holidays.
 - 5) No development shall commence until a scheme for protecting the hereby approved development from noise from the nearby railway line has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and any such approved measures shall be retained thereafter.
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- 6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

Application for costs

2. An application for costs was made by Mr Iain Abrahams against Royal Borough of Greenwich Council. This application is the subject of a separate Decision.

Procedural Matter

3. I have considered the proposal on the basis of the amended plans submitted to the Council, which the appellant confirms were submitted on 24 April 2016. These plans are the most up-to-date version of the proposed scheme, which the appellant submitted to the Council for formal consideration in place of the original scheme. Whilst there is no evidence of the amended plans being the subject of a formal consultation process, the amendments are very minor in nature such that the substance of the proposal has not changed. In any event, they formed part of the appeal submission which has been the subject of public consultation. As a result I do not find that any party would be prejudiced by my consideration of their content. Accordingly, my assessment of the proposal has been based on the revised plans to the original submission.

Main Issues

4. The main issue is the effect of the proposal on the character and appearance of the host property and whether or not it would preserve or enhance the character or appearance of the Blackheath Conservation Area.

Reasons

5. The appeal property is a two-storey with accommodation in the roofspace, detached dwelling set within extensive grounds. The building is a locally listed early C20th Georgian style property that was designed by Sir Reginald Bloomfield. The site falls within the Blackheath Conservation Area (CA). I have not been presented with a formal appraisal of the CA and therefore I have made an assessment of it from my own observations. The CA comprises predominantly dwellings that vary greatly in design and size, generally ranging from C19th to mid C20th villas to more recent flats. Kidbrooke Grove is a prime example of this diverse development with an eclectic mix of mid C20th century semi-detached and detached houses, modern flat development and substantial detached period properties. The diverse development, along with the wide, tree-lined road, provides an attractive, spacious, leafy suburban environment that makes a positive contribution to the significance of the CA.
6. The proposed two storey-extension would be set back from the front elevation of the dwelling and would have a dropped ridge height. Its front elevation would have a hipped roof, matching that of the host property, and the rear would be a gable, which would be similar in design and size to the existing rear gable on the north wing. The proportions of the fenestration and architectural

detailing would match the existing. Although the dormer window would be narrower than the existing front dormer, the scale and proportions of the glazing would be in keeping. Whilst the rear hipped dormer window would not be similar to the existing dormer design, it would follow the existing pitched roof angles and due to its small size it would not appear unduly prominent or detrimental.

7. The two-storey extension would project closer to the boundary with the neighbouring property to the south, No 39 Kidbrooke Grove. However, there would be sufficient spacing between the properties to ensure that the overall spaciousness of the area is not harmed. Although the extension would be large, given the substantial size of the existing dwelling, its width is appropriate to ensure it respects the balanced proportions of the property. Whilst the gable would include a chimney stack, it would be smaller in size than the one on the north gable, reflecting the subordination of the extension and retaining the dominance of the north gable.
8. The single storey extension to the rear would be the full width of the rear elevation of the dwelling and would comprise three separate elements; two wings and a larger, central element. Although the entire single-storey extension would have a flat roof, the central element would have a large, raised roof light, which would assist in breaking up the expanse of flat roof. The extension would project beyond the existing rear elevation, with the south wing significantly so. However, the resultant symmetry of the well balanced, well designed extension would respect the architectural integrity of the host building rather than detract from it.
9. Although the south elevation of the proposal would have limited features as there would be no openings. I note that it would result in the loss in a number of existing openings in the existing elevation; however, whilst the existing windows reflect the size and proportions of other windows in the property, the overall elevation is relatively simple and does not make a significant contribution to the significance of the property. Overall, the lack of features in this elevation would not unacceptably harm the character and appearance of the locally listed building or the CA in general.
10. The Council refers to their recently adopted Residential Extensions, Basements and Conversions Guidance SPD 2016. Whilst I have not been presented with a copy of the guidance, the proposal would not fail to accord with the excerpts referred to. The single-storey, flat roof extension on the rear of the property would not be visible from any public highway. Furthermore, due to its sympathetic design that reflects and respects the architectural merit of the host building, the overall proposal would be subservient to it. In addition, due to the extensive garden area, it would not result in any significant change to its scale with the host property.
11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 131 of the National Planning Policy Framework (the Framework) similarly requires account to be taken of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

12. This is reflected in Policies DH3 and DH(h) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (CS) 2014, which similarly state that development should preserve or enhance the character or appearance of Conservation Areas.
13. Whilst the overall proposal would be readily visible from both public and private views with the CA, they would be read as sympathetic additions to the host property. I have had regard to the effect of the development on the neighbouring locally listed building, No 39. Whilst there are some similarities in terms of their design, I do not consider that No 39 and the appeal property form a distinctive pair. The proposal would be sufficiently separated from the neighbouring property to ensure that it would not disrupt its architectural integrity. As a result of the diverse mix of house types and sizes in the locality, there would not be any disruption to any established architectural theme and the overall significance of the CA would not be harmed.
14. I find therefore that the proposal would not harm the character or appearance of the host dwelling. Whilst it would not particularly enhance the character or appearance of the CA it would have a neutral effect and therefore preserve it. As such, it would comply with Policies DH1, DH3, DH(a), DH(h) and DH(j) of the CS, which, amongst other things, seek to ensure that development is of a high quality design, preserves or enhances the character or appearance of Conservation Areas, and protects locally listed buildings. Furthermore, it would also accord with Policies 7.4, 7.6 and 7.8 of the London Plan, which seek to ensure that development has regard to the form, function and structure of an area, is of the highest architectural quality, preserves or enhances the character or appearance of Conservation Areas and respects its context.

Other Matters

15. I have had regard to the effect of the development on the living conditions of the occupants of the neighbouring residential properties, in particular, the adjacent property to the south of the site. As there would not be any windows on the side elevations of the extensions there would not be any adverse overlooking. Whilst the land levels do drop to the west, I do not find that there would be any significant increase in overlooking of the neighbouring garden than is already experienced from the first and second floor rear windows.
16. I note the concerns raised regarding the protection of trees. As a result of the proposals proximity to a number of noteworthy trees, I am satisfied that an appropriately worded condition would ensure their protection during demolition and construction works.
17. I have also had regard to a lawful development certificate recently granted for a studio building in the rear garden. Notwithstanding the absence of any details of the development being presented to me, I have considered the application based on the proposal submitted. I also note the reference to the appeal building being recommended for referral for consideration as a statutorily listed building. However, the evidence before me indicates that the building is locally listed and therefore I cannot attribute this matter any weight.
18. I acknowledge the concerns raised regarding Party Wall Act issues; however, such matters have not had any material bearing on my consideration of the planning merits of the proposal.

19. The appellant has argued that the property could be extended under permitted development rights. Based on the evidence submitted such an extension would likely have a significantly harmful effect on the character and appearance of the host property. Whilst this is not a decisive matter in my consideration of the appeal, it does weigh in its favour.

Conditions

20. I have had regard to the conditions suggested by the Council. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. In the interests of the character and appearance of the area conditions regarding materials and the protection of trees are necessary. In the interests of protecting the living conditions of the occupants of neighbouring residential properties, a condition is necessary regarding hours of demolition and construction. Also, a condition is required regarding a scheme of noise protection in order to protect the living conditions of the occupants of the dwelling from noise generated by the nearby railway line.
21. It is essential that the requirements of conditions 3 and 5 are agreed prior to the development commencing to ensure an acceptable form of development in respect of preserving the character and appearance of the area and to safeguard the living conditions of the occupants of the property.

Conclusion

22. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

INSPECTOR