



Appeal Decision

Site visit made on 13 September 2016

by David Walker MA MRTPI

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

Decision date: 25 October 2016

Appeal Ref: APP/E5330/W/16/3151343

7 Sandycroft, Abbey Wood, Greenwich SE2 0XY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Edith Lovegrove against the decision of Royal Borough of Greenwich Council.
 - The application Ref 16/0826/F, dated 25 February 2016, was refused by notice dated 11 May 2016.
 - The development proposed is change of use to a single 1 bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development refers to the proposal being a change of use and the application to the Council was retrospective with the development having already been carried out. However, there is some uncertainty over whether the existing structure is lawful. The plans indicate a larger building with a different front door and roof arrangement over that which was detailed within the lawful development certificate¹ provided with the appeal documents.
3. However, the lawfulness or otherwise of the existing structure is not before me in the context of a s78 appeal for a material change in use. The latter describes the scope of the current appeal and I have determined it on this basis.
4. Revised plans have been provided to overcome differences between the submitted daylight assessment² and the application plans. In deciding whether to accept them I have a duty to consider whether the development would be so changed that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation.
5. The revised plans include the removal of a roof overhang on the rear elevation of the proposal that would alter its appearance. To the extent that the appeal building is clearly visible from nearby properties the effect of any alteration to its appearance on the interests of neighbours can only be properly assessed in the light of consultation. To deny the opportunity of

¹ Planning application Ref 13/1932/CP

² Internal Daylight Report, dated February 2016

consultation at this time would be prejudicial to the interests of neighbours. Accordingly, I have determined the appeal on the basis of the plans originally submitted.

Main Issues

6. I consider the main issues in the appeal to be:
- i) the effect of the proposal on the character and appearance of the area, and
 - ii) the effect of the proposal on the living conditions of future occupants with regard to the adequacy of internal space, the availability of natural light, and accessibility.

Reasons

Character and appearance

7. The appeal site is located at the end of Sandycroft, a short cul-de-sac with a formal arrangement of two storey houses in opposing terraces and a third terrace closing off the end of the street. The plot is formed from the side garden of No 7 which occupies a corner position between two perpendicular terraces. With only a narrow gap between the host property and the end property of the adjacent terrace, No 6, the appeal site is not readily viewed in the street scene and so is confined to a backland position where it has an ancillary domestic and garden character.
8. A substantially similar building to the proposal was considered in a previous appeal³ and where the Inspector found the building was not prominent and did not amount to having a harmful effect on the character and appearance of the area. Although the proposal is not identical to that appeal scheme it would have a broadly similar appearance. Significantly, however, the Council has drawn my attention to the fact that the proposal would facilitate the full-time occupation of the building as a permanent dwelling. This is materially different from the temporary accommodation for 6 months of the year considered by the Inspector in the previous appeal.
9. An independent and permanent dwelling would give rise to an increased intensity of usage from general comings and goings, vehicle movements, and any round the clock internal and external activities as could reasonably be afforded to the occupants. Having regard to the ancillary and backland character of the appeal site, such a level of usage would be incongruous and out of character with the established pattern of residential land uses established by the existing houses fronting onto the street.
10. Therefore, the use of the building as a permanent dwelling would give rise to harm to the prevailing character of the area that I find conflicts with the requirements of Policies DH1 and H5 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 (the Core Strategy) for a positive relationship between the proposed and existing urban context, taking account of established layout and spatial character. It would also conflict with the design requirements of Policies 3.5 and 7.4 of the London Plan 2015 to enhance the quality of local places, including taking into account local

³ Appeal Ref APP/E5330/W/15/3087224

character, and having regard to the form and function of a street, amongst other matters.

Living conditions

11. The daylight assessment provided in support of the availability of natural light for the proposal seeks to demonstrate that the concerns of the Council and previous Inspector are demonstrably and quantifiably addressed. However, it does not account for the effect of a substantial roof overhang that would restrict the availability of natural light to the principal windows of the proposal. With Policy H5 of the Core Strategy seeking to avoid single aspect north facing dwellings it has not therefore been demonstrated that good levels of daylight would be provided to each habitable room and to the kitchen.
12. While the proposal complies with the new National Technical Standards for ceiling heights at 2.3m across the whole of the floorspace, there is a conflict with the requirements of standard 5.4.1 of the Housing Standards Policy Transition Statement – Implementation October 2015 (the Transition Statement) for 2.5m for at least 75% of the dwelling area. To the extent that the Transition Statement identifies the standards to be met within Policy 3.5 of the London Plan, I find the proposal to conflict with the requirements of the development plan in this regard and have no material reasons for setting it aside.
13. I am satisfied that with a suitable ramped access from the off street parking space, as is shown to be achievable within the plans, the proposal would overcome the previous harm identified in relation to providing inclusive access to the dwelling required by Policy DH1 of the Core Strategy and Policy 7.2 of the London Plan. Although this wouldn't overcome the problems associated with the change in ground levels and resulting stepped access to the front of the proposed dwelling, it would provide a meaningful alternative. My findings under accessibility do not outweigh the harm I have identified in relation to the availability of daylight and internal space and the resulting conflict with Policy H5 of the Core Strategy and Policy 3.5 of the London Plan, and associated guidance of the Transition Statement.
14. In reaching my conclusions under the main issues I acknowledge that the proposal would accord with elements of Policy H(c) of the Core Strategy that addresses backland and infill development. I am also mindful that the proposal is located with good access to local shops and services, and to a range of transportation options. However, while these are factors weighing in favour of the proposal they do not outweigh the significant harm I have identified and conflict with other policies of the development plan.

Other Matters

15. Interested parties have raised other matters in connection with parking problems and the risk of setting a precedent. While I observed some signs of parking stress along the street during my site inspection, I have no technical evidence of harm for this to weigh heavily against the proposal. In relation to precedent, I have determined the appeal on its merits, and any other proposals for this type of development elsewhere would be similarly assessed.

Conclusion

16. For the reasons given above, and with regard to the development plan read as a whole, I conclude that the appeal should be dismissed.

David Walker

INSPECTOR