
Appeal Decision

Site visit made on 1 November 2016

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 24th November 2016

Appeal Ref: APP/E5330/W/16/3156417

71 Southwood Road, Eltham, Greenwich SE9 3QE

- 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 New Eltham Conservative Club against the Royal Borough of Greenwich Council.
 - The application Ref 16/0811/F, is dated 14 March 2016.
 - The development proposed is construction of a new single storey rearward extension to form a function room, with associated kitchen and toilet facilities, together with internal alterations.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Main Issues

2. Based upon the submitted evidence, I consider that the main issues are the effect of the appeal proposal upon:
 - a) The character and appearance of the area;
 - b) The living conditions of the occupants of the neighbouring residential property at 69 Southwood Road, with particular regard to outlook; and
 - c) Highway safety.

Reasons

Character and appearance

3. The appeal site is located on the south side of Southwood Road within a predominantly residential area. The appeal property is a substantial 3 storey detached Victorian building set between properties of a similar scale. Behind the main building, occupying most of what would originally have been the back garden of the appeal property, there is a range of single storey extensions which project the full length of the common boundary with 69 Southwood Road to the east. To the rear is a car park, with a smoking shelter and storage area situated in the south east part of the site.
 4. The appeal proposal would create an additional extension to the rear, extending in line with the west elevation of the existing rear projection, and taking up much of the south east part of the site.
-

5. The appeal proposal would be single storey, and the glazed gable ended bays would provide visual interest. However, as a result of its sizeable footprint and siting, the proposed development would further increase the already substantial amount of the appeal site given over to development and would create a continuous built form extending to the rear boundary. The appeal proposal would thus fail to reflect the established pattern of development in the area, which is characterised by detached and semi-detached houses set in fairly generous plots with ample back gardens and gaps between rear and flank elevations.
6. For the reasons set out above, the proposed development would have a harmful effect upon the character and appearance of the area. As such, the appeal proposal would not accord with the design aims of Policy 7.6 of the London Plan and Policy DH1 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (LPCSDP).

Living conditions

7. The existing rear additions project along the full length of No 69's back garden and, although single storey, are of considerable height and bulk. The appeal proposal would wrap around the end of No 69's garden at a height of around 3.1m. By reason of its proximity to the boundary, height and width, in combination with the existing extensions to the rear of the appeal property, the proposed development would result in an unduly overbearing, enclosing effect upon this neighbouring garden.
8. The appellant makes the case that under permitted development buildings can be erected within gardens without the need for planning permission to a height of 3m, or 4m if the outbuilding has a dual pitched roof, if they are sited more than 2m away from the boundary. Such permitted development rights relate to development within the curtilage of a house and so do not exist in this case. In any event, the appeal proposal would almost adjoin the boundary with No 69 and so such permitted development rights would not apply even if the appeal property were a house.
9. In response to objections from local residents, the appellant has made reference to other matters relating to the effect of the proposed development upon the living conditions of neighbours. These matters include the potential loss of privacy and nuisance from light pollution, noise and smoking.
10. There would be no new windows overlooking neighbouring residents and so in that regard, the proposed development would not harm living conditions. If the appeal proposal was considered acceptable in all other respects, matters such as light pollution and noise could be controlled by planning conditions. I note that the proposed development would result in the removal of the existing smoking shelter and does not make provision for its replacement. On this basis, the appeal proposal would appear to reduce opportunities for smoking within the site.
11. However, for the reasons set out above, the appeal proposal would have a harmful effect upon the living conditions of the occupants of 69 Southwood Road, with particular regard to outlook. As such, the proposed development would fail to accord with the amenity protection and design aims of Policy 7.6 of the London Plan and Policies DH1 and DH(b) of the LPCSDP.

Highway safety

12. The existing Conservative Club has its main entrance fronting Southwood Road. Vehicular access to the appeal site is via Larchwood Road, a residential street to the west, and this would not change as a result of the proposed development. This vehicular access serves the car park to the rear of the appeal property.
13. As a result of the proposed development, the number of car parking spaces within the site would reduce from 20 to 15. The appeal proposal would have a separate entrance on the west elevation facing Larchwood Road, which would be accessed via the car park. The submitted Design and Access statement states that the function room could accommodate up to 120 people and would be available for hire for a range of events and activities such as weddings, private parties, business meetings, exhibitions, coffee mornings, afternoon teas, study groups and workshops. It would therefore seem probable that vehicular and pedestrian activity along Larchwood Road, and demand for parking, would increase as a result of the proposed development.
14. The Council confirms that the area is a Controlled Parking Zone, which is indicative of parking stress. An increase in vehicular movements and associated activity such as vehicles manoeuvring and drivers searching for free on-street spaces, together with a larger number of pedestrians using the Larchwood Road entrance, would be likely to contribute to greater congestion and conflict between all highway users.
15. Whilst the appellant makes the case that the appeal site is well served by public transport, no information has been provided regarding the travel modes of existing users of the Conservative Club or the predicted mode choices of future users of the proposed development. This information is necessary in order to establish whether there would be sufficient parking within the appeal site or wider local area to cater for the proposed increased scale of development and intensification of use on the site.
16. In respect of the third main issue, based on the limited evidence before me, I therefore conclude that it has not been adequately demonstrated that the proposed development would not have a harmful effect upon highway safety. As such, the appeal proposal would fail to accord with the highway safety, traffic management and parking aims of Policy 6.3 of the London Plan and Policy IM(c) of the LPCSDP.

Conclusion

17. I have had regard to the benefit of refurbishing the existing building, including the proposed provision of improved glazing and noise insulation, and to the desire of the Conservative Club to provide improved facilities for existing and future members as well as the wider community. However, these matters do not outweigh the harm I have identified.
18. Therefore, for the reasons given above, I conclude that the appeal should be dismissed and planning permission refused.

C L Humphrey

INSPECTOR