

Appeal Decision

Site visit made on 5 December 2016

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 19 December 2016

Appeal Ref: APP/E5330/W/16/3158476

13 Bellot Street, Greenwich, London SE10 0AQ

- 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 outline planning permission.
 - The appeal is made by Mrs Claire Bosak against Royal Borough of Greenwich Council.
 - The application Ref 16/0453/O, is dated 2 February 2016.
 - The development proposed is described as outline application for the demolition of existing garage and construction of a 2-storey, 4 bedroom detached dwelling with some matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters apart from access and scale reserved for future determination. I have treated the drawing submitted showing an indicative position of the proposed access position on Bellot Street as illustrative.

Main Issues

3. The main issues in the appeal are:
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - The effect of the proposed development on the living conditions of the occupiers of nearby properties with particular regard to outlook and privacy.
 - Whether sufficient information has been submitted with the application in order to determine the extent to which the site is suitable for development without being at risk from flooding or causing a flood risk elsewhere.

Reasons

Character and appearance

4. The appeal site comprises the majority of the narrow rear garden of No 13 Bellot Street which is currently occupied by a detached single storey garage. Existing properties to the north comprise of terraced dwellings orientated in a north-south direction. Properties to the south, including the host property,
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comprise of terraced blocks of three properties with relatively long narrow rear gardens orientated in a west-east direction which provide this part of the street with a relatively spacious character. On the opposite side of Bellot Street are three storey blocks of flats.

5. The frontage of the proposed two storey dwelling would face on to Bellot Street from where access is proposed. I recognise that the host dwelling has a larger rear garden than most other properties in the vicinity. However, the proposed development would result in a substantial reduction in the size of the garden at the host property to the extent that the remaining garden area would be considerably less than those of the terraced blocks of three properties which form part of its building group.
6. The area in the vicinity of the appeal site has a mixture of dwelling types but characterised by regularly spaced terraced blocks having adequately proportioned gardens relative to the plot size. By contrast, due to the relatively small size of the appeal site, the proposed dwelling would occupy a significant proportion of the available plot area.
7. In light of the above, the intended amount of built form proposed appears excessive for the size of the site resulting in a cramped form of development both for the appeal site and the host property. The amount of proposed built development, relative to the plot size, offers little relationship with buildings in the immediate vicinity of the site. In addition, a detached dwelling on a cramped plot located in an area characterised by terraced blocks set in adequately proportioned plot sizes would appear at odds with the established character of built development in the immediate area.
8. Taking these matters into account, the proposal does not reflect or respect the prevailing characteristics of the locality and it would form a cramped and discordant feature in the street scene. It would therefore cause demonstrable harm to the character and appearance of the area. Consequently, it would be contrary to Policies H5, H(c) and DH1 of the Royal Greenwich Local Plan: Core Strategy 2014 (Core Strategy) and Policies 7.4 and 7.6 of the London Plan 2016. These policies, amongst other things, require residential development to maintain the character of the area by responding to the established layout and spatial pattern with particular regard to scale and density.

Living conditions

9. Although no design details are submitted at this stage, the application indicates that the proposed dwelling would front onto Bellot Street. As such, outlook from the front of the proposed dwelling would be towards the flats comprising Nos 58, 60 and 62 on the opposite side of the street. Outlook from the rear of the proposed dwelling would be over part of the rear garden of No 15.
10. Although the Council has not referred to any adopted separation standards, given the separation distance between the existing flats and proposed development, I do not consider that there would be any significant overlooking of an extent that would cause a loss of privacy loss to the occupants of the flats.
11. Given the narrow nature of the plot and the indicated orientation of the proposed dwelling, it is likely that the rear elevation would be positioned in close proximity of the rear boundary with No 15. As such, views from the first

floor windows would be directly over the majority of the rear gardens of Nos 15 and 17 and Nos 69 to 72.

12. I recognise that in close knit urban environments, such as in this case, it is inevitable that there would be a degree of overlooking of gardens. However, given the close proximity of the proposed dwelling to the rear garden of No 15, in this case I consider that the degree of overlooking would be of extent to cause demonstrable loss of privacy and outlook.
13. The host property appears to be already extended to the rear along the property boundary with No 15. The proposed two storey dwelling would result in the majority of the eastern side of the garden at No 15 being occupied by built development either adjacent to, or in close proximity to, the property boundary. The northern boundary of the garden at No 15 is formed by the blank two storey elevation of the outrigger wing of No 32. Therefore, the proposed development would result in the narrow rear garden of No 15 being enclosed by built development on three sides either directly adjacent to, or in close proximity of, the property boundary. This would result in an unacceptable sense of enclosure and a loss of outlook from the dwelling and garden of No 15 from where the proposed development would appear as an overbearing feature.
14. The proposed development would result in a significant reduction in the size of the remaining rear garden at the host property. The Council has referred to a conflict with Policy H(c) of the Core Strategy which, amongst other things states that residential development of back land and infill sites will only be considered favourably where there is no unreasonable reduction in the amount of amenity space enjoyed by existing residents. However, the appellant has drawn my attention to Policy H5 of the Core Strategy. The supporting text to this policy indicates that, as a guide, a minimum garden area of 50sq m should be provided in houses with up to three bedrooms with an additional 15sq m provided for each additional bedroom.
15. The appellant indicates the proposed dwelling would have a garden area of 93sq m and the remaining garden area of the host property, which is three bedroom, would be 65sq m and thereby exceed the Council's suggested requirements. I have no evidence to suggest that the appellant's calculation of available areas may be incorrect.
16. Although I have found that the reduction in the garden area of the host property and the size of the proposed garden would contribute to the harm caused to the character and appearance of the area, in terms of the functional use of the proposed gardens, taking into account the Council's suggested areas, I consider that both the proposed and host dwelling would be provided with a sufficient usable garden in terms of both quality and quantity.
17. Although I have found that there would be no conflict with that part of Policy H(c) relating to private amenity space, taking the above factors into account, the proposed development would lead to a significant loss of outlook and privacy for the occupants of No 15 and create an unacceptable sense of enclosure. This would be contrary to Policies H(c), DH1 and DH(b) of the Core Strategy. These policies, amongst other things, require new development to not cause an unacceptable loss of amenity of adjacent occupiers by reducing the amount of light, privacy or creating an un-neighbourly sense of enclosure.

Flood risk

18. The appeal site is located within an area identified by the Environment Agency as Flood Zone 3 which indicates that it lies within an area where there is a high probability of the site flooding.
19. Paragraph 103 and the accompanying footnote 20 of the National Planning Policy Framework (the Framework) requires that local planning authorities should only consider development appropriate within Flood Zone 3 where it is informed by a site-specific flood risk assessment (FRA).
20. In this case the application was not accompanied by a FRA and consequently there is no basis for an assessment to be made of the flood risk resulting from the proposed development, the potential to increase flooding elsewhere or any measures to deal with these effects and risks. Given the planning importance of the consideration of the issue of flood risk as identified in the Framework, I consider that the absence of a FRA is a sufficient reason on its own to warrant the dismissal of the appeal.
21. Consequently, there is insufficient evidence on which to make any informed decision as to whether the site is suitable for development without being at risk of flooding or causing flood risk elsewhere. As such, the proposal is contrary to Policy E2 of the Core Strategy. This policy, amongst other things, requires development proposals to demonstrate how actual and residual risk to the proposed development and flood risk to others from all sources will be managed over the lifetime of the development, taking into account climate change.

Other matters

22. I have taken into account the concerns of some residents regarding the additional demand for car parking that may occur on Bellot Street as a consequence of the proposed development. Although the proposal would provide for one car parking space, the existing garage serving No 13 would be lost. Parking on the street in the vicinity of the site is managed by means of a 'controlled parking zone' (CPZ). I noticed at my site visit that there was a high demand for available parking spaces. However, I do not consider that the addition of one dwelling would cause a significant increase in demand for on-street car parking to the extent that highway safety would be compromised. The appellant indicates that the proposed dwelling would be eligible for a CPZ permit also. Consequently, I do not consider that the proposed development would have any significant effect on highway safety.

Conclusion

23. For the above reasons and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR