
Appeal Decision

Site visit made on 29 November 2016

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 21st December 2016

Appeal Ref: APP/E5330/W/16/3155047

157 Bexley Road, Eltham, Greenwich SE9 2PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Fikry Hemaya, Red Squirrel Ltd against the decision of Royal Borough of Greenwich Council.
 - The application Ref 15/3046/F, dated 29 September 2015, was refused by notice dated 9 June 2016.
 - The development proposed is construction of additional building to provide 2 no. two bedroom dwellings with associated access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site has an extensive planning history. Appeals for a three storey detached dwelling house in 1989¹ and a two storey detached house in 1992² were dismissed. On both occasions, the Inspector's reasoning raised concerns which included the impact of the proposed building on the living conditions of the occupiers of 6 Riefield Road and highway safety.
3. In addition, planning applications for the construction of 12 flats in 2008³, a three storey building containing 47 student rooms in 2012⁴ and a three storey block of 10 apartments in 2014⁵ were refused. In those instances, the Council's objections also included the effect on living conditions and highway safety. This proposal seeks to overcome the concerns raised over previous proposals in respect of both living conditions and highway safety.
4. This appeal proposal was amended following submission to the Council but prior to its determination. These changes, shown on amended plans, include revised parking arrangements. I am satisfied that all relevant parties have been made aware of the amendments and would not be prejudiced. Therefore, I have determined the appeal on this basis.

Main Issues

5. The main issues are:

¹ T/APP/E5530/A/88/103590/P2

² T/APP/E5530/A/91/175751/P7

³ LPA Ref: 08/0946/F

⁴ LPA Ref: 12/1100/F

⁵ LPA Ref: 14/0003/F

- The effect of the proposal on the living conditions of the occupiers of 6 Riefield Road with particular regard to outlook and daylight.
- The effect of the proposal on highway safety.

Reasons

Living Conditions

6. The appeal site is large plot of land on Bexley Road occupied by a detached property which is in a considerable state of disrepair. To the north of the site is the large, detached property of 6 Riefield Road. The adjacent property has windows within the side elevation which serve the main bedroom. There is also a window on the rear elevation which serves this bedroom. In addition, it has a ground floor conservatory to the rear which is glazed on all sides. The appellant indicates that the conservatory at No 6 is not ancillary accommodation. However, it was evident from my site visit that it used main living space.
7. It is proposed to erect a detached, two-storey property containing two separate dwellings. The building would utilise a hipped roof configuration and would be sympathetic to the scale and appearance of the existing building on the site. Nevertheless, it would be around 10.5m in width at its widest part, with a length of around 11.37m, albeit this would reduce at its most northerly point.
8. Whilst I recognise the reduction in the extent of the building from the previous schemes on the site, the building would still be between around 2m and 5m from the south-western corner of No 6. Furthermore, it would project what is, in my view, an excessive extent beyond the rear elevation of the adjacent property.
9. Moreover, given the orientation of No 6, the proposed dwelling would angle towards the neighbouring property the further it projects. The building would have an overall height of around 7.5m with no windows in the side elevation facing No 6. As a result, it would, in my view, appear as a dominant and overbearing expanse of unrelieved built form and would significantly enclose the outlook from the windows within the side and rear of No 6, both at ground level and first floor.
10. The windows in the rear of No 6, including the conservatory, have a south-easterly aspect. In addition, whilst secondary in nature, I was able to see from my site visit that the two windows in the side elevation of No 6 have a southerly aspect and provide a considerable amount of light to what is the main bedroom of the property. Consequently, given the proximity and scale of the proposed building, I consider it would result in a considerable loss of light for occupiers of No 6.
11. I recognise that there is substantial vegetation at present on the appeal site as well as conifers and an existing outbuilding. The removal of the vegetation, conifers and outbuilding would improve the existing outlook and daylight levels for the adjacent occupiers of No 6. However, in this instance it would only serve to more greatly expose the stark and oppressive effect of the proposed building and the subsequent reduction in the level of daylight obtained by the neighbouring property. The building would, by virtue of its scale and massing, have a significantly more harmful effect on the living conditions of the adjacent occupiers than the existing vegetation, conifers and outbuilding.

12. I further recognise there would be no mutual overlooking between the two properties. Nevertheless, that in itself would not outweigh the harm in respect of outlook and daylight.
13. I conclude, therefore, that the proposal would have a harmful effect on the living conditions of the occupiers of 6 Riefield Road with particular regard to outlook and daylight. As a consequence, the proposal would conflict with Policies 3.5 and 7.6 of the London Plan⁶ (LP) which state that development should take into account physical context and not unacceptably harm the amenity of surrounding buildings. It would also conflict with Policies DH1, DH(B), H5 and H(C) of the Core Strategy⁷ (CS) which require new development to take account of the existing urban context and key relationships, and only allow new development which does not cause an unacceptable loss of amenity to adjacent occupiers.

Highway Safety

14. The appeal site is currently accessed by a vehicular entrance on Riefield Road. The entrance is close to the signalised junction of Riefield Road and Bexley Road. I observed that traffic is regular on Riefield Road but not steady. Given the proximity of the junction, speeds are relatively low at this point as vehicles slow down upon approach to the signals. Whilst such observations are only snapshots, I have no contrary evidence to suggest that they were not representative of typical highway conditions.
15. The Council has raised concerns that the additional vehicular movements resulting from the appeal proposal would result in an intensification of the access point to a level which would be harmful to the free flow of traffic on Riefield Road. However, the proposal would provide only four parking spaces to serve six dwellings. This would limit the overall traffic movements from the site. Moreover, the proposal would result in the widening of the existing access point to around 4.5m. This would allow a vehicle to enter the site whilst another exits at the same time.
16. The Council has suggested that a 'Keep Clear' marking on Riefield Road should be provided adjacent to the access point. I agree such a marking would be necessary to ensure vehicles waiting at the junction do not block the access for vehicles turning right into the site. This would ensure that there would be no undue build up of traffic on Bexley Road. A condition to ensure such a provision would be reasonable and necessary.
17. As a result, I consider that there would not be a significant increase in vehicular movements and that the proposal would not result in a harmful intensification of the access. The increase that would occur would not have a harmful effect on the free flow of traffic on Riefield Road or Bexley Road.
18. I recognise that several previous proposals have been both refused planning consent and dismissed on appeal partly in respect of the intensification of the access point. However, the proposals in 2008 for 12 flats, in 2012 for student accommodation and 2014 for 10 flats would likely have generated considerably greater traffic movements than this appeal proposal. In addition, the two appeal decisions date from around 25 years ago and there is no evidence before me which sets out the highway conditions at the time of those appeals

⁶ The London Plan: The Spatial Development Strategy for London Consolidated with Alterations since 2011, 2016

⁷ Royal Greenwich Local Plan Core Strategy with Detailed Policies July 2014

or indeed whether or not circumstances have changed in the intervening period. In all, I have limited detail of the circumstances of all those cases or the policies which applied at the time. I therefore afford the previous proposals limited weight.

19. The Council has also raised concerns that the proposed level of parking would be inappropriate. The Maximum Residential Parking Standards set out in Table 6.2 of the LP states that 1-2 bedroom properties should have a maximum of less than 1 space per unit. Four parking spaces would be provided within the site to serve the existing four residential units within 157 Bexley Road and the two proposed dwellings.
20. Whilst Riefeld Road has parking restrictions, I see no reason why any additional parking demand arising from the development could not be accommodated on the surrounding highway network. Indeed, there is no evidence before me that there are current problems with on-street parking in the area to such an extent that the marginal increase in vehicles resulting from the proposal would compound them. As a result, I am satisfied that the proposal would provide an appropriate level of off-street parking.
21. The Council indicate that monitoring of parking in the area should be secured by way of a legal agreement under S106 of the Act. No such obligation has been provided. On the evidence before me, I consider such an obligation would not be necessary to make the development acceptable. Therefore, the obligation would not accord with CIL Regulation 122, and Paragraph 204 of the National Planning Policy Framework.
22. I conclude, therefore, that the proposal would not have a harmful effect on highway safety. It would, as a result, accord with Policies 6.3 and 6.13 of the LP which state that development should not adversely affect safety on the transport network and that the maximum standards set out in Table 6.2 should be the basis for considering planning applications. The proposal would also accord with Policies IM4 and IM(C) of the CS which state that all development should contribute towards improved safety and meet the appropriate levels of car parking provision.
23. Policy IM1 of the CS referenced in the Council's decision notice relates to planning obligations and for the reasons given above, is not relevant in respect of this main issue. Policies H5 and H(C) of the CS are also referenced by the Council, however, they do not make any provisions with regard to the effect of development on highway safety. As a result, they are not relevant in respect of this matter.

Other Matters

24. I note the relatively sustainable location of the appeal site, as well as the contribution the proposal would make to the housing supply within the area. However, the provision of two additional dwellings would amount to a relatively modest contribution and any economic or social benefits of such would be significantly and demonstrably outweighed by the harm arising to the living conditions of neighbouring residents.
25. I have considered the concerns of local residents in respect of the effect of the proposal on the character and appearance of the area and the living conditions of the occupiers of 159 Bexley Road. However, given my findings on the main

issues above, they do not lead me to any different overall conclusion. Indeed, any lack of harm in respect of those matters would not in itself justify the harm that would arise to the living conditions of the occupiers of 6 Riefeld Road.

26. I appreciate that the planning officer recommended that the proposal should be approved and that no objections were raised by statutory consultees during the application process. However, this does not outweigh or overcome the concerns outlined above.

Conclusions

27. Whilst I have found that the proposal would not have a harmful effect on highway safety, I have found the proposal would have a harmful effect on the living conditions of the occupiers of 6 Riefeld Road with particular regard to outlook and daylight. That is the prevailing consideration. Thus, the proposal would conflict with the development plan when taken as a whole.
28. For the reasons given above, and having considered all other matters, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR