
Appeal Decision

Site visit made on 24 January 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/E5330/W/16/3161222
162A Woolwich Road, Greenwich SE7 7RA

- 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 & Mrs Owen & Adelene Barfield against Royal Borough of Greenwich Council.
 - The application Ref 16/0383/F, is dated 8 February 2016.
 - The development proposed is construction of 8 holiday chalets, plus ancillary office and caretakers flat, with environmental city garden.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Planning permission was refused in October 2012 for the construction of 10 holiday chalets, plus ancillary office and caretakers flat, with environmental city garden at the appeal site (Ref 12/1539/F). A subsequent appeal was dismissed in September 2013 and I have been provided with a copy of the appeal decision letter. I have also been provided with a copy of a site plan and elevations relating to application Ref 12/1539/F. In reaching my decision I have had regard to these documents insofar as they are relevant to the proposal and the matters at dispute.
 3. The Council did not issue a decision within the prescribed period or within an agreed extension of time period. The appellants exercised their right to appeal against the failure of the Council, as the local planning authority, to determine the application.
 4. A Statement has been submitted by the Council in response to the appeal which states that the Council would have refused planning permission for the proposal due to concerns relating to character and appearance and the risk of contamination and pollution.
 5. Having regard to the evidence submitted by both parties, I consider that the main issues are:
 - the effect of the proposal on the character and appearance of the area;
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- whether sufficient information was submitted with the application regarding contamination in order to properly assess the contamination risks posed by and to the proposal.

Reasons

Character and appearance

6. The appeal site comprises a long and narrow strip of land located adjacent to the dwelling at 162 Woolwich Road and between the rear gardens of terraced dwellings at Nos 2 to 48 Fairthorn Road and an embankment leading up to a railway line. The site is dissected by a public footpath which provides a pedestrian link between Fairthorn Road and a railway crossing and footbridge which provides access to Westcombe Park station. The site is flat and is set down from the railway line and crossing, the elevated position of which allows for views down into the site. At the time of my visit the appeal site was vacant of buildings and largely overgrown. I understand that the site was previously used for various uses including a timber yard, storage facility and a vehicle hire premises.
7. The erection of the two storey building and the 8 chalets in four separate single storey buildings between the site entrance off Woolwich Road and the public footpath would introduce a significant amount of built form within what is a narrow and constrained site. The two storey building would span the full width of the site and the rear elevations of the chalets would be hard up against the rear garden boundaries of properties on Fairthorn Road and would have a narrow pedestrian walkway to the front. The scale and position of the two storey building means that there would be no views into the site and of the chalets from Woolwich Road however the chalets and the intensive scale of development on the site would be visible from the public footpath and from the elevated railway crossing and steps leading up to it.
8. Though I note that the number of chalets has been reduced since the previously refused application (Ref 12/1539/F) and whilst this has enabled larger gaps to be provided between the chalets, nevertheless the proposal would result in a cramped form of development out of keeping with and unsympathetic to the surrounding area. I do not consider that the use of soft landscaping or the modest height of the chalets would overcome the harm that would result from the intensity of development proposed.
9. The appellants argue that the previous Inspector was concerned with the density of development and that the proposal meets the density ranges for optimising housing contained within the London Plan (LP). However whilst this may be the case, as stated the appeal site is unusually narrow and for the reasons stated, despite being a previously developed site in an urban setting the density and particular layout of development proposed would be harmful to the character and appearance of the area. In reaching my decision I have had regard to the fact that the site is currently overgrown and has previously been subject to fly tipping and graffiti. Whilst I acknowledge that in some circumstances disused and redundant spaces can have a negative impact on the character of an area, in this case the vacant appeal site is seen in the context of the adjacent railway embankment and consequently it does not in my view significantly detract from the character of the area.

10. Taking the above matters into consideration, I conclude that the proposal would have an adverse effect on the character and appearance of the area. It is therefore contrary to the development plan and in particular Policy 7.4 of the LP, Policy DH1 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (CS) and to relevant paragraphs of the National Planning Policy Framework (the Framework). These policies seek, amongst other things, developments to be of a high quality of design that respect and positively contribute to the character of the area. In raising concerns regarding the effect of the proposal on character the Council also referred to CS Policy EA5 which relates to tourism. However this policy does not refer to the design of tourism development or its impact on the character of the area and is not therefore relevant to this issue.

Contamination

11. As stated it appears that the appeal site was previously used as a timber yard and I understand that the site lies on chalk which is classed as a Principal Aquifer. Following the receipt of an objection from the Environment Agency (EA) the Council has raised concerns regarding the possible risk of contamination on the site arising from its previous use as a timber yard. No information regarding contamination was submitted with the application and in the absence of this the EA and the Council state that it is not possible to assess the contamination risks posed by and to the proposal.
12. The appellants consider that the EA's concerns are disproportionate having regard to the scale of the development, the nature of the former use and the lack of nearby surface water receptors. However whilst I have had regard to the appellants' comments, in the absence of any substantive evidence regarding the specific nature of the previous use and having regard to the proposed use of the appeal site and to paragraphs 109, 120 and 121 of the Framework, I consider that insufficient information has been submitted to demonstrate that the proposal would not contribute to or be put at unacceptable risk from, or be adversely affected by unacceptable levels of pollution arising from contamination.
13. I conclude that the proposal is therefore contrary to the development plan and in particular Policy 5.21 of the LP, Policy E(e) of the CS and to relevant paragraphs of the Framework. These policies seek, amongst other things, to ensure that developments do not contribute to or are not put at unacceptable risk from contamination.

Other Matters

14. In reaching my decision I have had regard to the fact that the appeal site is located in an accessible location, that the proposal would utilise a previously developed site to provide additional tourist accommodation incorporating sustainable technologies including green roofs and would bring some economic benefits. In addition the urban orchard and garden would provide a community resource and I note the letter of support for it from a local school. However I do not consider that the benefits of the proposal would outweigh the harm that I have identified.
15. I also note that the appellants state that there had been support for the proposal from an officer of the Council who considered that all of the Council's concerns had been addressed and that any further reduction in the number of

chalets on the site would make the proposal unviable. However I have seen no evidence to substantiate these claims and in any event I must determine the proposal before me on its own merits.

Conclusion

16. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR