
Appeal Decision

Site visit made on 28 February 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 23 March 2017

Appeal Ref: APP/E5330/W/16/3164691

66 Wellington Gardens, Charlton, Greenwich SE7 7PH

- 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 Mr Steve Smith against the decision of Royal Borough of Greenwich Council.
 - The application Ref 16/0452/F, dated 12 February 2016, was refused by notice dated 22 July 2016.
 - The development proposed is the conversion of an existing terrace house into one one-bedroomed and two two-bedroomed self-contained flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In support of his appeal the appellant has provided revised drawings which he had sent to the Council for comment. However, in the interests of fairness I am obliged to determine the appeal on the basis of the application and drawings considered by the Council. Nevertheless, I have had regard to the appellant's comments regarding aspects of the proposal relating to the first floor balcony, a bedroom in Flat B and the cellar area which those plans sought to address.

Main Issues

3. The main issues raised by this appeal are: i) the effect the proposed rear extension and front balconies would have on the living conditions of occupiers of neighbouring dwellings; ii) the effect the proposal would have on the living conditions of future occupiers with particular regard to internal space, and; iii) the effect the front balconies and access doors would have on the character and appearance of the area.

Reasons

Neighbours' living conditions

4. The appeal property is a terraced house situated at a bend in the road. Its floor plan tapers from a wider frontage to a narrower rear. An existing part two, part one storey rear offshoot is positioned at an angle to the two storey offshoot to the rear of the neighbouring property at 64 Wellington Gardens. As a result these rear elements are closer to one another at their farthest point from the two host buildings.
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5. Ground and first floor windows in No 64 face the appeal site and also look towards the rear resulting in the two properties having a sensitive relationship to one another. The effect of this arrangement means that the outlook from, and light entering, those windows would be limited to a degree. The proposed extension of the rear offshoot at first floor level would mean that this and No 64's offshoot would converge further above ground floor level and narrow the gap between the two. This would materially reduce the outlook from the ground and first floor windows in the rear elevation of No 64. It would also materially reduce the levels of natural light received into habitable rooms in No 64, particularly those on the ground floor. The increased enclosing effect on the space between No 64's rear offshoot and the appeal site would compound these adverse effects.
6. The drawings show obscure glazing in the proposed flank windows facing No 64 which would avoid a loss of privacy arising. Whilst the proposed removal of an existing single storey utility room immediately adjacent to the ground floor window in No 64 would have a positive effect on both light and outlook as well as slightly reducing the existing feeling of enclosure, this improvement would be limited in its effects. It would not compensate for the adverse effects the first floor extension would lead to.
7. The increase in height of the parapet adjacent to the proposed first floor balcony would materially reduce the outlook from, and light entering through, the adjacent oriel window on 68 Wellington Gardens, one side of which is angled towards the appeal site. As a result the living conditions of the occupiers of Nos 64 and 68 would be harmed.
8. The proposal would therefore be contrary to Core Strategy¹ (CS) Policy DH(b) which seeks to avoid unacceptable loss of amenity to adjacent occupiers from a reduction in the amount of daylight or sunlight or from an unneighbourly sense of enclosure. It would also conflict with the National Planning Policy Framework's (the Framework) core planning principle of always seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
9. The proposed second floor balcony would not greatly increase the extent to which the projecting bay windows in Nos 64 and 68 could be overlooked compared to that which could already occur from the bay windows in the appeal property. The arrangement would be similar to a number of other properties on Wellington Gardens which have second floor balconies. This aspect of the proposal would not result in material harm to neighbours' living conditions and this would avoid conflict with the development plan and the Framework.
10. The appellant has proposed that the first floor balcony could be omitted. Had I been minded to allow the appeal, attaching a planning condition could have the same effect and would avoid any harmful effects arising from a first floor balcony. However, as it would provide the only external space for Flat B the effect such a change could have on future occupiers' living conditions is an aspect which has not been explored by the Council or appellant.

¹ Royal Greenwich Local Plan – Core Strategy with Detailed Policies, 2014.

Future occupiers' living conditions

11. The proposed flats would be modest in size. However, they would all comprise a series of reasonably sized habitable rooms and not be overly small or constrained in layout or configuration. The Council's objection in this regard is based on the floor areas of the flats.
12. London Plan Policy 3.5 seeks to ensure that new development reflects minimum space standards. These standards incorporate those of the Nationally described space standard² (NDSS). Flat C would exceed these minimum standards. Flats A and B would have a gross internal area of 68.1m² and 64.5m² respectively. As single storey, two bedroom flats these areas would exceed the 61m² minimum area for three person occupancy but not the 70m² for four person occupancy.
13. Flat A would also have access to a cellar of 10 m² according to the appellant's figures. Whilst this would not provide habitable accommodation it could provide storage. The NDSS requires that area that is used solely for storage is counted at 50% of its floor area. When this is combined with the ground floor area, Flat A would exceed the minimum standard.
14. Whilst the area of Flat B would fall somewhat short of the 70m², the bedrooms would both exceed the NDSS minimum floor area and its kitchen, living and dining area would be larger than the other two flats. The space and layout would not be unduly constrained and there is little evidence of what actual harm to occupiers' living conditions would occur as a result of its floor area if it were considered on a four person occupancy basis. The appellant has indicated that he could reduce the area of Bedroom 1 below NDSS's minimum size for a double or twin room in which case the overall area of Flat B would exceed that for three person occupancy.
15. All this leads me to consider that the internal space that would be provided would not be so limited in dimensions that they would adversely affect how future occupiers may be able to use them. Consequently the living conditions of future occupiers would not be harmed and the proposal would not conflict with the development and housing design and quality requirements of CS Policies DH1 and H5 or London Plan Policies 3.5 and 7.4, nor the Framework's aforementioned core planning principle.

Character and appearance

16. Wellington Gardens has a varied built character along its length although the terrace within which the appeal building is situated has a high degree of consistency and makes a positive contribution to the area's character and appearance. Individual properties in the terrace display some differences in their detailed appearance both as result of their design and alterations. A number of properties have balconies at second floor level on top of projecting bay windows accessed by doors and a number also have small balconies above the front porch at first floor level. These features, where they exist, are present in alternate pairs.
17. The appellant considers that the second floor balconies were original features which have subsequently been removed on a number of properties. This view

² Technical housing standards – nationally described space standard, Department for Communities and Local Government, 2015.

is supported by the existing door arrangement on the appeal property and the deep door dimensioned architraves which survive on a number of properties in the terrace including those without balconies. The neighbouring property at No 68, with which the appeal property appears as a pair, has such a feature. The principle of a balcony at this level would therefore not be at odds with its surroundings and the replication or reinstatement of the feature on the appeal building would not be undesirable or out of character with the area.

18. Of those properties which have such balconies, most are surrounded by decorative ironwork of a similar style. The appeal proposal would be for a simple balustrade, a detail which would not reflect the predominant style of such arrangements. The proposed balustrade would appear incongruous in its wider context, an effect displayed by the single property in the terrace which currently has a balustrade detail which is not decorative. However, the detailed appearance of the balustrade could be controlled by condition to ensure any harmful effects would be avoided.
19. The pattern of windows above porches changes along the terrace, alternating between pairs with oriel windows and those with full height deep, flush architraves, some of the latter containing doors leading onto small balconies. No 68 next door to the appeal property has an oriel window in this location. Whilst the appeal property does not have an oriel window neither does it have the door sized architrave of other pairs with existing balconies. In such a location the introduction of a door sized opening and balcony would appear unbalanced compared with the arrangement at No 68 and in the context of the predominant pattern of the terrace as a whole. However, as mentioned above, the appellant is willing to omit this element of the proposal which could be controlled by way of a condition and would consequently avoid any harm arising from that aspect.
20. On this basis the proposal would avoid harm to the character and appearance of the area and accord with CS Policies H5, DH1 and DH(a) and London Plan Policy 7.4 which together seek high quality design of an appropriate scale which protects local character and takes account of existing townscapes and the architecture of surrounding buildings. It would consequently also avoid conflict with the Framework's anticipation of the rejection of poor design.

Conclusion

21. The avoidance of harm to the area's character and appearance (subject to suitable planning conditions) and future occupiers' living conditions do not amount to positive considerations in support of the scheme. Furthermore, avoiding harm in these respects might have knock on effects which have not been evaluated by the Council. Whilst the proposal would provide two net additional dwellings the benefits of this would be outweighed by the harm to neighbours' living conditions.
22. For the above reasons, and having had regard to all other matters raised, the proposed rear extension would harm the living conditions of occupiers of the neighbouring dwelling, contrary to the development plan and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR