
Appeal Decision

Site visit made on 2 May 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 19th May 2017

Appeal Ref: APP/E5330/W/17/3169141

Land adjacent to 78 Christchurch Way

- 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 Ian Ashford against the decision of Royal Borough of Greenwich Council.
 - The application Ref 16/1505/F, dated 11 May 2016, was refused by notice dated 20 January 2017.
 - The development proposed is erection of a 1 bedroom and study room single family dwelling house.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are firstly, the effect of the proposal on the character and appearance of the area and secondly, the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to outlook.

Reasons

Character and appearance

3. 78 Christchurch Way is a two storey house at the end of a uniform terrace. It is sited within a mainly residential area where there are mostly rows of terraces and blocks of flats. To the south are rows of terraces of dwellings sited gable end to the road. As a result the space created by their front and rear gardens provide a degree of openness to the road, albeit enclosed by a brick wall. Generally, terrace plots are long and narrow with a small front garden and a longer rear garden.
 4. The appeal site forms the side garden of No 78, currently undeveloped with a high brick wall providing enclosure to the road. It is however visible from the south. Therefore, while the piece of land is not protected or designated as open space its presence contributes positively to the openness of the area between the rows of terraced properties.
 5. The proposed house would be on a very small plot that would not be characteristic of the area. The submitted plan shows that the scale of the proposal, because of the small size of the plot, would result in an incongruous
-

form of development with limited space available around the dwelling. I appreciate that the amount of garden space would be in accordance with the requirements of the development plan. Nonetheless, it would be contrary to the existing pattern of surrounding terraced properties.

6. The proposed house would be higher, and considerably bulkier than the existing boundary wall. As a result it would lead to a significant reduction in the gap between No 78 and 68 Christchurch Way, the adjacent property to the south eroding the openness between the two properties.
7. The fenestration on the front elevation of the proposed house and the materials to be used would match those in the adjacent terrace. However, the windows in the rear elevation would have a horizontal emphasis which would be contrary to the strong vertical emphasis on the adjoining terrace. Furthermore, the cantilevered design, together with the introduction of a front porch, would not be characteristic of the terrace to which the proposed house would be appended. As a result, the combination of the individual design characteristics of the proposal would strike a discordant note. This together with the harmful impact on the openness in the area would make the proposal particularly prominent and obtrusive in the streetscene.
8. I appreciate that the cantilevered design is required to allow a sufficient area of land to be provided for private garden space which would otherwise not be available for the future occupiers. Nonetheless the necessity for a cantilevered design for this purpose reinforces my concerns that the size of the plot would be much smaller than those in the vicinity of the appeal site. This in itself therefore would not make the development acceptable. Furthermore, it may be that a porch could be added at a later date. However, I have seen no substantive evidence to suggest that this would happen in this case and I must consider the scheme as proposed.
9. For the reasons above I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to Policies 7.4 and 7.6 of the London Plan The Spatial Development Strategy for Land Consolidated with Alterations since 2011 (2016) (LP), Policies H5, H(c) and DH1 of the Royal Greenwich Local Plan Core Strategy with Detailed Policies 2014 (CS), and the National Planning Policy Framework. These require, amongst other things, that development is of a high quality design that is appropriate to its context, maintains the character of the area and reflects local distinctiveness.
10. I would agree that the proposal is not backland development. However, given the position of the appeal site between No 78 and No 68 I consider that it could reasonably be considered as infill development and therefore Policy H(c) would apply to the proposals.
11. The appellant states that that Policy 7.4 of the LP refers to larger schemes and is therefore not applicable to a single dwelling. However I have seen nothing within the Policy to suggest that it refers to a certain size of development only.

Living conditions

12. No 68 forms a two storey terraced property with a number of clear glazed windows at ground and first floor facing the appeal site. Currently the outlook

from the windows is towards the open appeal site and the blank side gable of No 78.

13. The introduction of a two storey house on the appeal site would lead to a large blank mass of gable wall across the extent of No 68, about 6 metres from its front elevation. This would be much closer than the existing gable elevation of No 78. Consequently, the proposal would be close enough to dominate the outlook from the windows of No 68. Because of its height and width, it would have an unpleasantly enclosing and overbearing effect on the outlook from the windows of No 68.
14. The appellant states that the proposal would not lead to loss of light or overlooking. In this respect he refers to the Lovells Wharf development on the opposite side of the road to the appeal site. However these matters are not in dispute and do not form part of the Council's reason for refusal.
15. For the reasons above I conclude that the proposal would be harmful to the living conditions of the occupiers of 68 Christchurch Way with particular regard to outlook. It would therefore be contrary to Policy 7.6 of the LP and Policy DH(b) of the CS. These require, amongst other things that development does not cause unacceptable harm to the amenity of surrounding land and buildings including by causing an unneighbourly sense of enclosure.
16. Both parties also refer to the Council's Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document 2016 (SPD). However, neither party has referred me to any guidance within the document which refers to new housing development rather than extensions and conversions. The SPD has not therefore been determinative in this matter.

Other matters

17. The appellant refers to two planning applications for similar types of development in the locality of the appeal site. I note that one (16/0453/O) was dismissed at appeal. I do not have full details of the circumstances that led to the other proposal being acceptable (16/0321/F). I cannot be sure therefore that it represents a direct parallel to the appeal proposal including in respect of the plot size and the design and character of surrounding development.
18. The appellant has raised issues regarding the way the Council dealt with the planning application. However, this is not a planning matter that I can take into account in the determination of this appeal. I have therefore dealt with the appeal based on its own merits.

Planning Balance and Conclusion

19. The proposal would contribute to the Council's supply of housing within an accessible location. Furthermore, the construction of the dwelling would derive some economic benefits. However, the benefits associated with one dwelling would be limited. Therefore, even if the Council are unable to demonstrate a five year housing land supply the considerable adverse impacts on the character and appearance and residents living conditions would significantly and demonstrably outweigh the limited benefits. The proposal would conflict with the Framework and Development Plan when taken as a whole and consequently the proposal is not sustainable development for which the Framework carries a presumption in favour.

20. For the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR