
Appeal Decision

Site visit made on 20 June 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 12th July 2017

Appeal Ref: APP/E5330/W/17/3172512
76 Eltham Road, Eltham SE12 8UE

- 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 Kirit Shah of CS Property and Consultancy Ltd against the decision of Royal Borough of Greenwich Council.
 - The application Ref 16/1910/MA, dated 8 June 2016, was refused by notice dated 27 February 2017.
 - The development proposed is the construction of an additional storey providing 2 additional flats as a material amendment to previously approved planning permission dated 16/12/14 (Ref: 14/2778/F) resulting in construction of a 5-storey block comprising 14 flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of proposed development provided on the planning application form has been replaced by a fuller version on the Council's decision notice. The appellant has used this description on the appeal form. I consider this description to be usefully more comprehensive and have thus employed it here.

Main Issues

3. The main issues raised in respect of the proposed development are the effect on: -
 - (a) The living conditions of future occupiers in relation to housing standards;
 - (b) The character and appearance of the area; and
 - (c) The living conditions of the existing occupiers of nearby developments.

Reasons

The living conditions of future occupiers

4. Policy H5 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014) (the Core Strategy) states that "*In flats, a good-sized balcony, a terrace or enclosed communal garden should be provided*". Standard 26 of the Housing Supplementary Planning Document (SPD) provides size standards for private outdoor space, those being 5m² for 1-2 person dwellings and an extra 1m² for each additional occupant. There is no balcony or private outdoor space proposed associated with unit 14.
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5. The Housing SPD sets the appropriate thresholds to which new development should adhere and highlights that private open space is highly valued and should be provided in all new housing developments. It also advises that dwellings on upper floors should all have level access to a terrace, roof garden, winter garden, courtyard or balcony. The minimum private outdoor amenity space standards are set to ensure that a good standard of living environment is achieved. The Council indicates that unit 13 would meet the required standards but unit 14 would not.
6. In my judgement, these standards set out an appropriate minimum amenity space standard for this type of flat development and its living accommodation. Although the occupiers of unit 14 would have access to communal amenity space, I consider the lack of private outdoor amenity space would result in a poor standard of living environment for the future occupiers of this unit. Whilst the flat would exceed internal floor area standards and would be acceptable in terms of its size, layout, room sizes, sun and daylight, these factors do not outweigh my concerns above.
7. I acknowledge the appellant's comment that the Council did not raise this matter before and had it done, the appellant could have addressed this concern. Whilst the appellant may consider this matter could be addressed I must consider the proposal that is before me.
8. For these reasons, the proposed development would not provide adequate living conditions of future occupiers in relation to housing standards. The proposal would be contrary to Policy 3.5 of the London Plan (2016), Policies H5 and DH1 of the Core strategy and Standard 26 of the Housing SPD which seek all new flats to achieve minimum private outdoor space standards and to be of a high quality of housing design, amongst other matters.

The character and appearance of the area

9. The surrounding buildings are no greater than three storeys in height but in the wider context there are a variety of buildings types, some of which are taller than those buildings in the immediate vicinity of the appeal site. A four storey flat block is already permitted to be built at the appeal site. The proposed development would add an additional storey stepped back from the side elevations of the building. As such, the proposal would have a recessed positioning on the roof.
10. Although the proposal would create additional built development at the top of the flat block, I consider the set back from the side façades would lessen the visual appearance and mass of this additional storey. Whilst this further storey would be visible in views from the surrounding area and neighbouring developments, and would be taller than surrounding existing buildings, I do not consider the addition of a recessed top storey would appear overly conspicuous on top of the building or would be overly visually dominant in this location. I therefore do not consider that the proposed development would be detrimental to the visual appearance of the appeal site or the wider streetscene.
11. The Council say that the development would appear cramped on such a small plot. However, the host flat block and its footprint within the site has already been determined by the Council to be acceptable as planning permission has been given for the development. I also note that the Council is concerned with the precedent an additional storey may set in this location but each proposal

must be taken on its own merits. Taking all relevant considerations into account the proposal would be an acceptable extension to the top of the flat block in terms of appearance.

12. Overall, I conclude that the proposed development would not harm the character and appearance of the area and, for the reasons given, would not materially conflict with Policies 7.4 and 7.6 of the London Plan and Policy DH1 of the Core Strategy that require a high quality of design.

The living conditions of existing occupiers

13. Outlook from living accommodation within the North West wing of Ann Stroud Court, the closest part of this existing development to the appeal site, is directed past the flat block. The residential occupiers at Reed Close are separated from the appeal site by an access road.
14. The proposed fifth storey with its proposed recessed positioning on the roof would not add significant additional height or bulk to the permitted four storey building. Whilst the additional storey would be visible in outlook from Ann Stroud Court and from the rear of dwellings in Reed Close and their gardens, the additional storey would not be appreciably taller than that of the four storey flat block. Taking into account the orientation and separation of the flat block and the limited additional height of the fifth storey and its recessed positioning on the roof, I do not consider that the additional storey would be significantly visually dominant in the outlook of the occupiers of neighbouring existing developments. Neither do I consider it would harmfully overbear these adjacent occupiers' living environments or result in harmful overshadowing.
15. Overall, I conclude that the proposed development would not harm the living conditions of living conditions of the existing occupiers of nearby developments and, for the reasons given, would not materially conflict with Policies 7.4 and 7.6 of the London Plan and Policies DH1 and DH(b) of the Core Strategy that seek to prevent harm to the amenity of occupiers of surrounding buildings, particularly residential buildings.

Other Matters

16. The appellant highlights that the proposed development would be compliant with Building Regulations requirements. It is also commented that the proposal would be acceptable in respect to the site layout, parking, highway safety, cycle and refuse storage and density. However, whilst these benefits weigh in favour of the proposed scheme these would not outweigh the harm identified in the first main issue or would justify the proposed development.

Conclusions

17. Whilst I have found in favour of the appellant in terms of the proposed developments effect upon the character and appearance of the area and on the living conditions of existing occupiers of nearby developments, this does not overcome the identified harm in relation to the living conditions of future occupiers. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR