

Appeal Decision

Site visit made on 22 June 2017

by Julie Dale Clark BA (Hons) MCD DMS MRTPI

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

Decision date: 17 July 2017

Appeal Ref: APP/E5330/D/17/3174901
18 Congress Road, Abbey Wood SE2 0LT

- 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 N Munonye against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 16/4182/F, dated 13 December 2016, was refused by notice dated 9 February 2017.
 - The development proposed is retrospective planning for outbuilding.
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Procedural Matter

1. The decision notice describes the proposal as the retention of outbuilding in rear of garden. This is a clearer description than that on the application form and so I shall refer to the proposal accordingly.

Decision

2. The appeal is allowed and planning permission is granted for the retention of outbuilding in rear of garden at 18 Congress Road, Abbey Wood SE2 0LT in accordance with the terms of the application, Ref 16/4182/F, dated 13 December 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as No 18 Congress Road.

Main Issue

3. I consider that the main issue is the effect of the outbuilding on the living conditions of the occupiers of adjoining properties.

Reasons

4. The appeal site is a mid-terraced house and a single storey flat roofed building has been erected in the rear garden. The decision notice cites London Plan policies 7.4 and 7.6¹, Local Plan policies DH1 and DH(b)² and Council's SPD³.

¹ Mayor of London The London Plan – The spatial development strategy for London consolidated with alterations since 2011, March 2016.

² Royal Greenwich Local Plan Core Strategy with Detailed Policies, Adopted 30 July 2014.

Amongst other things, London Plan Policy 7.6 requires that buildings and structures should not cause unacceptable harm to the amenity of surrounding residential buildings in relation to privacy and overshadowing. Local Plan Policy DH(b) seeks to protect the amenity of adjacent occupiers by only permitting development that would not reduce daylight, sunlight or privacy or result in an unneighbourly sense of enclosure. Amongst other things the Council's SPD⁴ requires all extensions to respect the amenity of neighbours particularly their privacy, daylight, sunlight and avoid a sense of enclosure.

5. Amongst other things, London Plan 7.4 requires buildings, streets and open spaces to provide a high quality of design and sets out criteria to achieve this. Local Plan Policy DH1 establishes that in order to achieve a high quality of design, all developments are expected to meet a list of criteria.
6. The proposal is for the retention of an outbuilding and as such I have considered this appeal in the light of that. Neighbouring residents and the Council refer to the occupation of the building and reference is made to it being used as living accommodation. Such a use would go beyond the use of the building as ancillary to the main dwelling. As the matter before me is simply the retention of an outbuilding, described on the submitted plan as a garden room, that has formed the basis of my decision.
7. The outbuilding is located at the end of No 18 Congress Road's hardsurfaced garden. As an ancillary building I do not consider that its location together with the existing boundary fencing and vegetation to the boundaries with Nos 16 and 20 Congress Road, would result in any more overlooking or loss of privacy than could arise when using the garden generally.
8. Both the Council and the Appellant have suggested a condition relating to the occupancy of the building which I have considered in the light of the Planning Practice Guidance⁵. Given the concerns that have been raised I consider that a condition is necessary for the avoidance of doubt. I have though amended the suggested wording.
9. I have considered all other matters raised but none alter my conclusion. I conclude that the outbuilding does not lead to a loss of privacy to the occupiers of the adjoining properties and therefore there would be no conflict with London Plan Policy 7.6, Local Plan Policy DH(b) or the Council's SPD. The appeal therefore succeeds.

J D Clark

INSPECTOR

³ Royal Borough of Greenwich Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document, July 2016.

⁴ Royal Borough of Greenwich Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document, July 2016.

⁵ Planning Practice Guidance, 6 March 2014.