
Appeal Decision

Site visit made on 26 June 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 20 July 2017

Appeal Ref: APP/E5330/W/17/3172555

Land r/o 421 Footscray Road, New Eltham, London SE9 3UL

- 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 Matthew Breen against the decision of Royal Borough of Greenwich Council.
 - The application Ref 15/3992/F, dated 21 December 2015, was refused by notice dated 28 September 2016.
 - The development proposed is the erection of a one storey one bedroom dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in respect of the proposed development are the effect on: -
 - (a) The character and appearance of the area;
 - (b) The living conditions of future occupiers; and
 - (c) The living conditions of nearby occupiers, particularly No 10 Ellis Close.

Reasons

Background

3. The appeal site is located to the rear of the garden space and private gated car park of No 421 Footscray Road, a large detached property that has been sub-divided into four flats. Ellis Close is a cul-de-sac of two and three storey residential properties comprising both recent flats and post-war terraced development. The appeal site is small and is located immediately adjacent a terrace of two storey houses fronting Ellis Close. The appeal site is fenced off, vacant and appeared to me to be well maintained with no noticeable evidence of fly tipping, although I acknowledge this has occurred in the past.
4. The application that has led to the appeal before me follows the refusal of two previous applications by the Council (Council ref 12/3073/F and 15/0089/F) for a detached one bedroom house and a detached two bedroom house respectively. These proposals related to two storey schemes. The appellant appealed both decisions (PINS Ref APP/E5330/A/13/2203615 and

APP/E5330/W/15/3013906) but the appeals were dismissed in March 2014 and July 2015 respectively.

Character and appearance of the area

5. The policies of the Council's Royal Greenwich Local Plan: Core Strategy with Detailed Policies (the Core Strategy) carry forward the strategic directions for the Royal Borough set by Policies 3.5 and 7.4 of the London Plan. Policies H5 and DH1 set general criteria for the design of new development, including key relationships with regard to the character of the area. The criterion of Policy H(c) that relates to backland or infill development states that development should maintain the character of the area with regard to scale, design and density.
6. In dismissing the 2014 appeal, the Inspector commented that the proposed development, positioned toward the rear of the appeal site would introduce '*...an alien feature...*' that would fail to reflect '*...the established layout and spatial character of the area*'. Subsequently, in dismissing the 2015 appeal, my colleague concluded that the forward position of the proposed dwelling toward the front of the site would be far more prominent in the street scene and failed '*... to relate positively to the character of the area...*'.
7. A main change is that the development before me is single storey but the footprint of the building would fill the existing small gap between No 10 Ellis Close and the car park. It would also extend to the rear of the site and protrude forward in front of the existing building line formed by the adjacent terrace, Nos 9 – 11 Ellis Close.
8. The principal visual impact of the proposed development would be the relationship to the properties in Ellis Close as the distance between the proposed dwelling and No 421 Footscray Road would be too great.
9. The siting of the building against the rear boundary with no garden behind would be at odds with that of the surrounding properties. Although the proposed development is now single storey, the forward positioning of the proposed dwelling would be particularly apparent in the view when entering Ellis Close from Footscray Road. The forward position would appear visually prominent within this streetscene and would not relate positively to the character of the area. Therefore, the proposed development would not reflect the established layout and pattern of development in the area and would be significantly visually harmful to the streetscene.
10. Despite there being variation to the property styles, heights and density of development in the area, this does not overcome or outweigh the harm that I have identified above, although I note there are examples of stepped or staggered layouts within the existing development in the vicinity of the appeal site.
11. The further revision now proposed to the development at the appeal site does not overcome the issues highlighted by my Inspector colleagues. For the above reasons the proposed development would have a harmful effect on the character and appearance of the area and would appear isolated in its relationship to the existing street layout. The proposed development would therefore conflict with Policies 3.5 and 7.4 of the London Plan and Policies H(c),

H5 and DH1 of the Core Strategy that seek new development to have a positive relationship with the existing urban fabric, amongst other matters.

Living conditions of future occupiers

12. The Mayor's Housing Design Guide Supplementary Planning Guidance (SPD) set out the minimum space standards for new residential development in London. Standard 26 of the SPG sets the size standards for private outdoor space, that being 5m² for 1-2 person dwellings and an extra 1m² for each additional occupant.
13. The minimum private outdoor amenity space standards are set to ensure that a good standard of living environment is achieved. The appellant contends that the proposal would meet Standard 26 and would provide a useable small minimal maintenance garden. I consider the constrained nature of the outdoor spaces to the side and front of the proposed dwelling would not provide adequate private outdoor space. Notwithstanding there being a wide range of shops, social and transport facilities, as well as local parks in the area, in my judgement the proposed development would result in a poor standard of outdoor living environment for future occupiers, even if the dwelling were to be occupied by an older person.
14. Standard 25 of the Housing SPD requires the internal layout of a dwelling to demonstrate that it will accommodate furniture, access and activity space requirements relating to the declared level of occupancy and the furniture schedule set out in The Building Regulations Approved Document Part M.
15. The plans submitted illustrate living room and dining furniture within the open plan living space and furniture within the bedroom with space for circulation within these rooms. The dwelling unit would exceed, although not by much, the 'nationally described space standards'¹ for a one bedroom, two person, single storey dwelling. I acknowledge that the Council is concerned that the dwelling would not meet the requirements of Part M but I have no substantive or detailed evidence before me that would indicate that the dwelling could not achieve these standards. I therefore cannot conclude that future occupiers would experience a poor standard of living environment in respect of accommodating furniture, access and activity space within the proposed dwelling.
16. Although I have found in favour of the development in relation to Standard 25 of the Housing SPD the proposed development would not provide adequate living conditions of future occupiers in relation to Standard 26. The proposal would be contrary to Policy 3.5 of the London Plan (2016), Policy H5 of the Core Strategy and Standard 26 of the Housing SPD which seek all new development to achieve a high quality of housing design, amongst other matters.

Living conditions of nearby occupiers, particularly No 10 Ellis Close

17. Unlike the previous proposals the scheme before me is for a single storey dwelling. The proposed dwelling would have a staggered 'L-shaped' frontage. Taking into account the orientation and separation of the proposed dwelling and its limited eaves height with the pitch of the roof sloping away, I do not consider that the proposed dwelling would be significantly visually dominant in

¹ DCLG Technical housing standards – nationally described space standard 2015

the outlook of the adjoining occupiers at No 10 Ellis Close or result in any other significant harm to their living environment.

18. Overall, I conclude that the proposed development would not harm the living conditions of existing nearby occupiers and, for the reasons given, would not materially conflict with Policy DH(b) of the Core Strategy that seeks to prevent unreasonable loss of amenity to the occupiers of adjoining properties, amongst other matters.

Other Matters

19. The appellant has directed me to other examples of development within close proximity to the appeal site that he considers do not follow the established pattern and/or building line of development within the area. A number of these developments appear to have been in place for some time and would pre-date the current development plan that is in place. Furthermore, I have not been provided with any details as to the background of these developments and whilst a small number of the examples provided have some similarity to the appeal site, none of the sites highlighted host the same characteristics to that of the appeal site before me and the existing development around it. I therefore can and should consider the proposal before me on its own merit.
20. The proposal would deliver a small bungalow on an undeveloped site that could possibly be occupied by older persons or those wishing to downsize, therefore potentially freeing up an existing family home and contributing to a demand for bungalows and the supply of housing within the Borough. Whilst these factors weigh in the proposal's favour, they do not outweigh the harm that I have identified above in relation to the first two main issues.
21. The appellant contends that the proposal would be of a similar height to that of a block of lock up garages but that is not what is before me for consideration and such a proposal would be subject to separate consideration and determination.
22. A number of residents close by have raised other concerns in relation to the proposal but in view of my conclusion on the first two main issues, there is no need for me to address these in the current decision.

Conclusions

23. Whilst I have found in favour of the appellant in terms of the proposed development's effect upon the living conditions of existing nearby occupiers, this does not overcome the identified harm in relation to the character and appearance of the area and the living conditions of future occupiers. The previous appeals indicate that the appeal plot hosts particular problems in accommodating a dwelling and the revised scheme has not resolved these matters sufficiently. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR