
Appeal Decision

Site visit made on 20 September 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 24th October 2017

Appeal Ref: APP/E5330/W/17/3178911

The Old Post Office, 4 Passey Place Eltham SE9 5DQ

- 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 Anthony Thomas against the decision of Royal Borough of Greenwich Council.
 - The application Ref 16/2389/F, dated 14 July 2016, was refused by notice dated 30 December 2016.
 - The development proposed is the development of two additional storeys over the storage building to form eight self-contained residential units.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the:
 - character and appearance of the area including its effect on the appeal building which is a non-designated heritage asset;
 - living conditions of current and future residents with particular regard to privacy and outlook;
 - living conditions of future occupiers with particular regard to access to private outdoor space.

Reasons

Character and appearance

3. The appeal premises are a part two, part single storey building in an area characterised by a mix of modern and traditional buildings with commercial uses at ground floor level. Thus the area has a mixed and commercial character and appearance.
4. An appeal was dismissed¹ in March 2016 for a development including a modern three storey addition above the single storey element of the appeal building. The Inspector in 2016 found the exterior of that addition finished in zinc and composite panelling would be in marked contrast with the Old Post office's Victorian inspired vernacular and would overwhelm it and would not be respectful to its well-ordered form. Furthermore, the Inspector in 2016

¹ Appeal Reference APP/E5330/W/15/3140630

acknowledged the varied street scene but found the proposed development would have an imposing presence at the southern end of Chequers Parade and concluded that the proposal would harm the character and appearance of the area.

5. The scheme before me, proposes a two storey addition above the single storey element of the appeal building, which would be finished in brick with relatively uniform fenestration. I acknowledge that the height of the proposed two storey addition would match the ridge height of the Old Post Office and the area is characterised by two and three storey buildings and there are taller buildings nearby.
6. However, the proposed two storey addition would still be of a significant bulk and would have an expansive flat roof. The proposed large windows and lack of detail and boxy form of the proposed two storey addition would give it a bland and utilitarian appearance. In my view the proposed two storey addition would dominate and would be in conflict with the pleasant traditional Victorian inspired detailing and form of the Old Post Office building.
7. The proposed development would therefore harm the character and appearance of the area and the designated heritage asset and its significance. It would therefore be in conflict with Policies 7.4, 7.6 and 7.8 of the London Plan (LP)² and Policies DH1, DH3 and DH(j) of the Royal Greenwich Local Plan Core Strategy with Detailed Policies (2014) (CS) which seek to ensure good design, safeguard the character and appearance of an area and protect heritage assets.

Living conditions (privacy and outlook)

8. The separation distance between the windows and roof terrace in the proposed dwellings adjacent to Eltham High Street and the windows of the existing dwellings on Eltham High Street would range between approximately 15 and 17 metres.
9. Standard 28 of the Mayor of London Housing Supplementary Planning Guidance (2016) (SPG) states proposals should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property. The justification suggests a separation distance of 18 to 21 metres between facing habitable rooms, but notes that the standard should not be rigidly applied as it can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density.
10. However, even though the appeal site is within a relatively dense urban area, the view from the main living area of proposed flat 7 would be almost directly opposite a window of an existing dwelling with a relatively small space between them. Furthermore, the proposed windows serving the main living space of flat 7 would be large, such that existing residents would be able to see directly into proposed flat 7 where people would be sitting or eating.
11. Moreover, the proposed roof terrace of flat 8 would be almost directly opposite and a short distance away from the windows of the existing dwelling. Due to the limited the space between the proposed and existing elevations I find that the proposed development would result in harmful living conditions for current and future residents with particular regard to privacy.

² The London Plan: The Spatial Development Strategy For London Consolidated with Alterations Since 2011 (2016)

12. However, the proposed northern elevation would not be overly tall such that the proposed development would not be overbearing when viewed from the dwellings on Eltham High Street. Furthermore, the roof of the existing properties on Eltham High Street slopes away from the proposed building and would not be overbearing or oppressive when viewed from the proposed dwellings.
13. Therefore, even though I have found no harm to the living conditions of future occupiers or existing residents with regard to outlook I find the proposal would result in harmful living conditions for future occupiers and existing residents with regard to privacy. The proposed development would therefore conflict with Policies H5 and DH(b) of the CS which seek to ensure new development does not cause an unacceptable loss of privacy to adjacent occupiers. The proposal would also be in conflict with Standard 28 of the SPG.

Living conditions (private outdoor space)

14. Standard 26 of the SPG states a minimum of five square metres of private outdoor space should be provided for 1-2 person dwellings and an extra 1 square metre should be provided for each additional occupant. Thus proposed flats 2 and 6 as two bed four person units of accommodation are required to provide 7 metres square of outside private space.
15. I acknowledge such standards should be applied flexibly and none of the proposed units of accommodation would be targeted towards families. However, proposed flats 2 and 6 would only benefit from some 5.54 metres square of private outdoor space. In my view, the proposed private outdoor spaces for flats 2 and 6 could not be comfortably used by any more than two people at a time and would feel cramped particularly if items such as a small table and chairs or plants were in place.
16. Whilst I note that Queenscroft Recreation Ground and Footscray Playing Field are close by, they are not sufficiently accessible to negate the need to provide appropriate private outdoor space for each dwelling.
17. Thus for the reasons given I find the proposed development would result in harmful living conditions for the future occupiers with particular regard to a lack of access to appropriate private outdoor space. The proposal would therefore be in conflict with the aims of Policy 3.5 of the LP and Policy H5 of the CS which seek to ensure good design and that new development results in acceptable residential living conditions. For the same reasons the proposal would conflict with Standard 26 of the SPG.

Other Matters

18. The Council refer to inappropriate provision for the storage of refuse and recycling facilities. However, there is no substantive evidence before me to indicate that such matters could not be agreed and implemented through the imposition of an appropriate planning condition. However, as my decision does not turn on this matter I have not addressed it any further.
19. In reaching my conclusions, I have noted that the appeal proposal would provide increased surveillance to the streets nearby. I also acknowledge that it would provide eight new dwellings to meet the housing needs of the area and contribute to housing supply. Those dwellings would be close to services and facilities such that they could be easily accessed through walking and cycling

and the area has good public transport connections. The occupants might work locally and support local services and there may also be employment opportunities associated with construction. However, these matters or any others raised do not outweigh the harm I have identified.

Conclusion

20. Overall, I find the proposed development would not accord with the development plan and thus having had regard to all other matters raised I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR