
Appeal Decision

Site visit made on 17 October 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 7th November 2017

Appeal Ref: APP/E5330/W/17/3180288

478 Westhorne Avenue, Eltham SE9 5LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Kim Lai against the Royal Borough of Greenwich Council.
 - The application Ref 17/0123/F, is dated 3 January 2017.
 - The development proposed is described on the appeal form as "construction of a new end-of-terrace house (resubmission)".
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Decision

1. The appeal is dismissed and planning permission for the "construction of a new end-of-terrace house (resubmission)" is refused.

Procedural Matters and Main Issues

2. I have taken the description of development from the appeal form as this is more precise than that given on the application form.
3. In the appeal statement, the Council indicates that it would have refused planning permission as: (i) the development would be detrimental to the character and appearance of the immediate locality and the street scene and; (ii) the proposed new dwelling would result in a sub-standard quality of living accommodation.
4. Therefore, I consider the main issues to be as follows:
 - The effect of the development on the character and appearance of the area;
 - Whether the development would provide suitable living conditions for future residents.

Reasons

Character and Appearance

5. The appeal relates to a semi-detached house, located on the corner of Westhorne Avenue and Middle Park Avenue. The area is residential, and is characterised by predominantly semi-detached houses set within relatively spacious plots. The houses to the south of the site, on the western side of Middle Park Avenue, have a uniform layout which creates a strong building line. The Avenue has an open appearance, with front gardens making a positive contribution to the street scene.

6. The proposed development is a new house that would be attached to the existing semi-detached house, forming a terrace of three. The house would occupy part of the garden and would project a significant distance towards the side boundary. The plot would be sub-divided and parking would be accommodated within each of the front gardens.
7. I appreciate that the proposed house would be set back from the side boundary by two metres, and there is existing boundary vegetation to the front and side that would be retained. Nevertheless, the house would be visible in views from Middle Park Avenue due to its size, scale and the gabled roof design. The development would extend forward of the strong building line on Middle Park Avenue and it would be a prominent feature in the street scene. The proposed form of development would not maintain the character of the area and it would not complement the locality.
8. During the site visit, I saw that a detached house has been built on the opposite corner. This is relatively prominent as it sits forward of the building line on Middle Park Avenue. However, I do not consider that this development justifies the appeal proposal. The house is sited closer to Westthorne Avenue and is separated from the line of houses to the rear by the school access. Consequently, it is more closely related to Westthorne Avenue in visual terms. In contrast, the appeal proposal would be seen in the context of Middle Park Avenue and it would appear incongruous. I also noted the position of No 1 Middle Park Avenue, and its relationship to the school access. This is not comparable to the appeal proposal as No 1 follows the established building line.
9. To conclude on this issue, I find that the development would have an adverse effect on the character and appearance of the area. Consequently, it would be contrary to Policies H(c), H5 and DH1 of the Local Plan,¹ which seek to secure development of high quality design and ensure the character of the area is maintained, and Policies 7.4 and 7.6 of the London Plan, which seek to ensure development respects local character and makes a positive contribution to the streetscape.

Living Conditions

10. The proposed house would have three bedrooms on the first floor with a lounge/disabled persons bedroom on the ground floor. The Council has applied the Technical Housing Standards,² which sets out internal space standards in new dwellings, as required by the Mayor's Housing Supplementary Planning Guidance Standard 24. The Council explains that the proposed house would have four bedrooms, and six bed spaces, requiring a minimum unit size of 106 square metres, with a further three square metres of built-in storage. The Council considers that insufficient space would be provided as the development would not meet these standards.
11. In response to the Council's concerns, the appellant explains that the house should be classified as a four person, three bedroom property as the use of the ground floor room as a bedroom is an option for the future. In this case, the development would exceed the relevant standard.

¹ Royal Greenwich Local Plan: Core Strategy with Detailed Policies (July 2014)

² Department for Communities and Local Government 'Technical Housing Standards – Nationally Described Space Standards' amended in May 2016

12. It is clear that the ground floor lounge/bedroom has been designed to meet the needs of a disabled person, should this need arise. In any event, the house would accommodate adequate space for eating/relaxing along with three functional bedrooms, a kitchen, and bathroom facilities on the ground and first floors. There would be adequate light to all living areas, and the storage is only marginally below the required standard. Overall, I do not agree that the living accommodation would be substandard.
13. To conclude on this issue, I find that the development would provide suitable living conditions for future residents in accordance with Policy 3.5 of the London Plan and Policy H5 of the Local Plan.

Other matters

14. The appellant has provided information in relation to the personal circumstances of her family, which I have considered carefully. Age and disability are 'relevant protected characteristics' for the purposes of the Equality Act 2010 and the Public Sector Equality Duty. The proposal would enable the appellant's parent to occupy the adjoining property, which would be a significant benefit to the appellant. However, the harm resulting from the proposed development would be considerable and the negative impact on the appellant of dismissing this appeal would not outweigh the conflict with the development plan.
15. The appellant's rights under the European Convention on Human Rights, which is incorporated into the Human Rights Act 1998, must also be considered. Article 1 concerns the protection of property and Article 8 deals with the right to respect for family life and the home. It is not clear whether the dismissal of this appeal would leave the appellant's parent with no immediate alternative accommodation. If this were to be the case, it would represent an interference with their home and family life and with their property. However, the conflict with the development plan which would arise, in particular the impact of the development on the character and appearance of the area, is considerable.
16. I am satisfied that the legitimate aim of conforming with development plan policy cannot be achieved by any means which are less interfering with the appellant's rights. They are proportionate and necessary in the circumstances and would not result in a violation of their rights under Articles 1 and 8.
17. The proposal would be well located in terms of access to public transport and local facilities, and the development would make a very small contribution to the local housing supply, but these benefits do not outweigh the harm as set out above.

Conclusion

18. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector