



Appeal Decision

Site visit made on 15 November 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 23 November 2017

Appeal Ref: APP/E5330/W/17/3179736

12 Lionel Road, Eltham SE9 6DQ

- 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 Pat Finnegan against the decision of Royal Borough of Greenwich Council.
 - The application Ref 17/0332/F, dated 30 January 2017, was refused by notice dated 20 June 2017.
 - The development proposed is the partial demolition of an existing extension and development of a new one bedroom / two person two storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal includes the partial demolition of an existing extension. The Design and Access Statement which accompanied the application indicates that the proposal is for the partial demolition of the property and a new development on the same footprint as the existing extension to provide a new dwelling. Although the application form and documentation which accompanied the original application are not entirely clear the appellant has clarified in the appeal documentation that the proposal is for the demolition of the entire two storey side extension and the rear conservatory.
3. Nonetheless, the local planning authority contends that the existing two storey side extension would remain unchanged from the previous appeal case other than some internal wall changes and the reduction in the number of bedrooms to one. I have also noted that the existing plans (Drawing 03) and proposed plans (04 Rev C) seem to me to have identical external dimensions with respect to the existing two storey side extension, including height, width and length and window and door positions at ground and first floors are the same. Consequently, the approach I have taken is the same as my colleague Inspector in dealing with the previous appeal on this site¹ in that I have dealt with the current appeal on the basis of the development shown on the submitted plans.

¹ Appeal reference APP/E5330/W/15/3139652

Main Issue

4. The main issue is whether the development would conflict with the Council's strategy of retaining small to medium sized family dwellings.

Reasons

5. The appeal property is a two storey semi-detached two storey dwellings with a later two storey side extension which appears to have been divided into two separate residential properties.
6. Policy H(b) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014(the CS) states that in order to protect small and medium sized family dwellings sub-division will not be permitted where any of a set of specific circumstances arise, including where the original premises is less than 111.48 square metres of net floor area, among other factors.
7. I am not aware of any dispute between the main parties regarding the original floor area which is approximately 84 square metres. This is clearly below the level identified in Policy H(b). Although the original property was extended significantly around 2000 the Policy is very clear in referring to the original dwelling and does not have regard to any subsequent extensions or alterations.
8. Although the appellant contends that the proposal is not for a sub-division but rather is a new build the proposal before me shows the vertical sub-division of the property in its current form, including the existing two storey side extension, into two separate residential units. The existing conservatory would be replaced with a single storey rear extension.
9. As such I conclude that the proposal would conflict with the Council's strategy of retaining small to medium sized family dwellings and would be contrary to Policy H(b) of the CS.

Other matters

10. The appellant wishes the appeal to be determined under policies relating to new build development. However, the evidence before me clearly indicates that the current proposal is for the conversion of the existing building into two separate dwellings with the demolition of the existing conservatory and erection of a single storey extension.
11. The appellant has also indicated that the owners are well within their rights to demolish the extension and conservatory without planning permission. That may be the case; however, any subsequent planning application would have to be determined on its own merits in accordance with the development plan and other material planning considerations.

Conclusion

12. For the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

Alastair Phillips

INSPECTOR