



Appeal Decision

Site visit made on 18 June 2019

by W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/E5330/W/19/3225008

1 Beaconsfield Road, London SE3 7LN

- 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 Mr Ruairi Conneely against Royal Borough of Greenwich Council.
 - The application Ref 18/4200/F, is dated 30 November 2018.
 - The development proposed is the erection of a new detached house.
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Decision

1. The appeal is dismissed and planning permission for the erection of a new detached house is refused.

Procedural Matters

2. The Government has published its Housing Delivery Test (HDT) results alongside the publication of an updated revised National Planning Policy Framework (the Framework) in February 2019. This makes minor revisions including an additional footnote to Paragraph 11. I have had regard to the 2019 Framework when reaching my decision.
3. The appellant has referred to policies contained within the Draft New London Plan. This plan has yet to be adopted, and I do not know whether there are unresolved objections to draft Policies H1, H2 and H3. Consequently, the weight that I can attach to the emerging policies is limited. The statutory development plan for the purposes of the determination of this appeal remains the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 (CS), and the London Plan 2016 (LonP). However, I consider the policies relevant to this appeal in the CS and LonP to be broadly consistent with the Framework.
4. The appeal is against the failure to give notice within the prescribed period of a decision on an application for planning permission. Following the lodging of the appeal, the Council considered the application and indicated in its Statement that they would have refused the application.

Main Issues

5. As outlined in the Council's Statement, the reasons for refusing planning permission would have been regarding the effect of the development on the character and appearance of the appeal site and Westcombe Park Conservation Area (WPCA), trees and on the living conditions of the occupiers of No 1 Beaconsfield Road. I have formulated my main issues on this basis.

6. Accordingly, the main issues on this appeal are therefore:

- whether the development would preserve or enhance the character or appearance of the WPCA;
- the effect of the development on nearby trees; and,
- the effect of the development on the living conditions of the occupiers of No 1 Beaconsfield Road, with particular regard to outlook.

Reasons

Conservation area

7. The appeal site is located within the WPCA. In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
8. The appeal site currently forms the side garden to No 1 Beaconsfield Road, which is a semi-detached house, sited on higher ground to the right when viewing the property from the front. This dwelling is set within an attractive area, which due to the existing side garden at No 1 gives it a spacious feeling. This forms a prominent feature in the street scene, which its presence makes a positive contribution to the character and appearance of the WPCA. Due to No 1 being sited in a generous plot, set away from its northern boundary, where mature trees and vegetation are present, No 1 has a spacious and green setting, which is expressive of this part of the WPCA.
9. The proposal seeks to build a single 3-storey dwelling with pedestrian access taken from the Beaconsfield Road, and would have accommodation located over 4 floors, including the roof space. The scheme would comprise lounge / kitchen / dining room at ground floor; 4 No. double bedrooms and one single bedroom, located over the first and second floors, and in the loft. On the ground floor there would be an accessible toilet and on the remaining floors there would be a bathroom on each floor. On the first floor there would be a utility room and on the second floor and in the loft there would be a storage room. The proposed dwelling would not provide any off-road parking and seeks to utilise the sloping topography of the site in its design.
10. This part of the WPCA is characterised mainly by 2 and 3 storey detached, semi-detached and terraced Victorian and Edwardian houses, and its distinctive topography. Although a number of commercial premises are located on Humber Road and on Station Crescent at ground floor. However, to the south of Humber Road the area is distinctly residential in character with most of the properties set within relatively spacious plots and include front garden/amenity space with mature vegetation. The Council's WPCA Character Appraisal 2010 (WPCACA) provides information on the WPCA, including its origin. The WPCACA identifies that 'on several of the roads, due to the wide spacing of the houses, views of the mature rear gardens and the tree canopy are visible through the gaps between the buildings. These green gaps were a deliberately planned feature and are very important since they provide welcome visual relief in the built environment and contribute significantly to the fabric of the townscape. Any intensification of the spacious urban grain and loss of public or private green spaces should be resisted'.

11. Consequently, I find the appeal site in this location contributes to the distinct sense of spaciousness and less dense pattern of development to the immediate surroundings. Thus, the appeal site positively contributes to the WPCA and the surrounding area, which is readily visible from the street. In the context of the area surrounding the appeal site, I find that the appeal scheme would be distinctly at odds with the character of the neighbouring dwellings and the fabric of the townscape, as it would appear discordant in its location, creating a strident feature with proportions out of keeping with the prevailing character of this area of the WPCA. I do recognise that the appellant has sought to use the natural topography of the site, has proposed to use similar materials used in the construction of the dwelling to those found in neighbouring properties and has deliberately avoided a pastiche approach to the overall design. However, I find that such measures would not provide suitable mitigation against the harm of erecting a dwelling in the location proposed.
12. The statutory duty in Section 72 of the Act is a matter of considerable importance and weight. The proposal would have a negative effect on the significance of a designated heritage asset and would result in "less than substantial" harm in the words of paragraph 196 of the Framework. To allow the proposal the resultant harm would need to be clearly outweighed. The site is located in an accessible location, close to facilities and would result in some limited economic and social benefits through the provision of an additional dwelling. However, I find that the public benefits of the proposal would not outweigh the harm to the significance of the WPCA.
13. For the above reasons the development would fail to preserve or enhance the character or appearance of the WPCA and would lead to less than substantial harm to a designated heritage asset. Accordingly, I find that the proposal fails to accord with the design and conservation aims of CS Policies H5, H(c), DH1, DH(h) and LonP Policies 7.4, 7.6 and 7.8. Additionally, the proposed development would not conserve the heritage asset in a manner appropriate to its significance in line with the Framework.

Effect on trees

14. The appellant has confirmed in his submission that that the proposal for the new house does not involve any felling of trees but does acknowledge that the construction might cause harm to the roots of existing trees. I therefore find that in these specific circumstances and in the absence of an arboricultural survey / method statement undertaken by a suitably qualified individual to accompany the submission, insufficient information has been provided to demonstrate that there would be no adverse effects on trees resulting from the proposed development.
15. I therefore conclude that it has not been demonstrated that the development would not have an unacceptably harmful effect on the health and long-term viability of nearby trees. The proposal thus fails to accord with the arboricultural and ecological aims of CS Policies DH1 and OS(f) insofar as is reasonably practicable, to maximise the retention and continued health of the trees.
16. Furthermore, I find conflict with paragraph 170 of the Framework, which amongst other things, requires decisions to contribute to and enhance the natural and local environment including trees and woodland.

Living conditions

17. The Council only raise concerns with the effect of the proposed development on the occupiers of No 1, and I too am satisfied that the proposed development would not cause any significant harm to the living conditions of the occupiers of neighbouring properties, mainly due to the distances that would be maintained between properties.
18. The side elevation of No 1 would face the proposed development and would be sited away from it at an approximate distance of 1.5m to 6.5m. On the side elevation of No 1 it has been confirmed by the appellant that the windows present serve the kitchen and dining area on the ground floor, a dressing room of the master bedroom on the first floor and a storage area in the basement. As such, the only habitable room windows affected would be those for the kitchen and dining area. However, these windows would be secondary windows to the kitchen and dining area as their main windows are located on the front and rear elevations of the house. In this instance, I find that due to the habitable room windows on the elevation facing the proposed development forming secondary windows to the rooms, with the principal windows being located on other elevations not facing the scheme provides a sufficient level of mitigation to prevent any loss of outlook to the occupiers of No 1.
19. For the reasons above, I conclude that the development would not have a significantly detrimental impact on the living conditions of the occupiers of No 1, with particular regard to outlook, and hence that it would accord with the amenity aims of CS Policy DH(b) and the Framework.

Other Matters

20. Neither party has suggested that the Council does not have a deliverable 5-year housing land supply and I note that the Council has met the HDT. Nevertheless, I acknowledge that the proposed development would make some positive contribution to the Council's supply of housing sites and that it would bring some social and economic benefits to the area through the provision of a new house and during the construction phase of the development. However, I find these benefits to be relatively limited and not sufficient to outweigh or alter the harm identified in respect of my conclusions on the main issues. I have considered this proposal on its own planning merits and concluded that the scheme is not acceptable for the reasons set out above.
21. The Council has indicated that they have no objections to the proposed development in relation to highways, subject to a reliable mechanism to ensure that occupiers of the development do not hold parking permits. Whilst a condition has been suggested to secure such a mechanism, this approach would be contrary to guidance contained within the Planning Practice Guidance (PPG). However, as the appeal is being dismissed for other reasons, it has not been necessary for me to pursue this matter any further.

Planning Balance and Conclusion

22. I have found that the proposal does not create any significant harmful effects from a living conditions point of view. However, this is a neutral matter in the overall planning balance. Whilst the proposal would seek to boost the supply of housing in the area, this would not significantly and demonstrably outweigh the significant harm that would be caused to the character and appearance of the

WPCA or to nearby trees. Therefore, for the reasons above, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR