
Appeal Decision

Site visit made on 24 June 2019

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/E5330/W/19/3225652

7 Phineas Pett Road, Eltham SE9 6RQ

- 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 Ms Hannah Matthews against the decision of Royal Borough of Greenwich Council.
 - The application Ref 18/3010/F, dated 27 August 2018, was refused by notice dated 16 November 2018.
 - The development proposed is a side extension to 7 Phineas Pett Road & attached dwelling on land adjacent to 7 Phineas Pett Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Office for National Statistics published the updated annual affordability ratios on the day that this appeal was submitted. The parties have not suggested that the Council does not have a 5-year housing land supply. In the circumstances of this case it is not necessary to seek the views of the parties on these ratios.
3. The description of the development includes a side extension to the existing dwelling. Nonetheless, this part of the proposal is not shown to be within the red line of the application/appeal site. However, as it is within the blue line shown on the submitted plans it is therefore within the control of the appellant and the Council considered it on that basis. As such, I shall determine the appeal on the basis that the proposed extension to the existing dwelling is part of the appeal site.

Main Issues

4. The main issues are: -
 - The effect on the character and appearance of the area including the Progress Estate Conservation Area (PECA) and whether the significance of the heritage asset would be harmed;
 - The effect on protected species.

Reasons

Character and appearance

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires that, in the exercise of planning powers in

- conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
6. The appeal site comprises part of the generous garden area associated with 7 Phineas Pett Road (No 7). The site is within PECA and from the details available to me, including the PECA Character Appraisal (PECACA), and my own observations I consider that the significance of PECA is largely drawn from its evidential and aesthetic value as a planned garden suburb that was constructed in 1915. The elements that contribute to that significance include the cottage style architecture of the houses, the extent of green spaces, and the repetition of forms and spaces that gives PECA its picturesque townscape quality. The PECACA states that characteristic estate layout details include the designing of gaps between groups of houses and the occasional provision throughout the estate of wide and substantial side gardens.
 7. No 7 is an end of terrace property located on a bend close to the junction with Downman Road. The existing dwelling and its wide and substantial garden area are seen in views from Downman Road along Phineas Pett Road. The proposal would involve the construction of a 2-storey extension to No 7 and a dwelling that would be attached to that extension. The materials, architectural style, bulk and massing of the proposal would be in keeping with the vernacular of PECA.
 8. However, the proposal would visually infill a large proportion of the existing side garden. This existing garden area with its landscaping and hedges positively contributes to the sense of spaciousness and the picturesque townscape quality of PECA. A narrow garden area to the side of the proposed dwelling would be retained. Nevertheless, the development would mean that the positive contribution that the existing garden area makes to the character, appearance and significance of PECA would be significantly eroded.
 9. As such, the character and appearance of the surrounding area and PECA would not be preserved and the expectations of the Act would not be met. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect. In the language of the National Planning Policy Framework (the Framework) and in the context of the significance of the asset as a whole the development would result in less than substantial harm to the significance of PECA. Paragraph 196 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I will return to this matter below.
 10. The harm to the character and appearance of the area means that the proposal would conflict with Policy DH1 of the Core Strategy with Detailed Policies (CS) and Policy 7.4 of the London Plan (LP). These policies seek, amongst other things, all developments to be of a high quality of design, provide a positive relationship between the proposed and existing urban context, have regard to the pattern and grain of existing spaces and be informed by the surrounding historic environment. It would also not comply with paragraph 127 of the Framework which, amongst other things states that planning decisions should ensure that developments are sympathetic to local character including the surrounding built environment. With regard to paragraph 213 of the Framework I consider these policies are consistent with section 12 of the Framework and the conflict with them has full weight.

Protected species

11. Paragraph 99 of Circular 06/2005 advises that the presence or otherwise of protected species and the effect new development might have upon them should be established before planning permission is granted and the need for ecological surveys should generally not be left to conditions imposed on planning permissions. However, paragraph 99 goes on to advise that '*... developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development*'.
12. The submitted design and access statement indicates that a visual inspection found no evidence of any protected species. However, this is not supported by any survey data within the evidence before me. As stated above this substantial garden contains a number of trees and hedges that could, in my experience, be suitable habitats for protected species. Moreover, it is not clear from the submitted plans as to what elements of the existing landscaping and trees would be retained.
13. On the available evidence and having regard to the provisions of paragraph 99 of Circular 06/2005, I conclude that there is a reasonable likelihood of protected species being present and affected by the development and therefore an ecological survey should be required. As such, I am unable to conclude that the proposal would not cause any demonstrable harm to a protected species or its habitat. Accordingly, the proposal would conflict with CS Policy OS(f) which, amongst other things, requires developments to take account of ecological factors. I consider that this policy is consistent with the Framework and with regard to paragraph 213 the conflict with it has full weight.

Other matters

14. My attention has been drawn to 2 developments that have been built in the surrounding area and whilst they may have some factors in common to this scheme, I do not have the full details of them before me. Moreover, the Council's Officer Report indicates that the development at 23 Cobbett Road was approved prior to the adoption of the PECACA and CS. It also states that, in respect of the land adjacent to 1 Downman Road, the site was previously occupied by the estate office. Therefore, the gap provided by that site was not an intentional part of the Estate's design. As such, I do not consider that the circumstances associated with those schemes represent a direct parallel to this case and I give them limited weight. In any case, I am required to determine the appeal on its own merits.
15. The Council have not objected to the proposal in relation to the amenity of neighbouring occupiers or that of the host dwelling occupiers, the standard of accommodation to be provided and highway safety. However, a lack of harm in these respects is a neutral consideration that does not weigh for or against the proposal.

Public benefits

16. The proposal would contribute to meeting the Borough's housing provision, to which there is no ceiling, and the scheme could be built-out relatively quickly. There is no dispute that the site is within an accessible location. The proposal would generate temporary economic benefits from the construction of the

scheme and further economic benefits from its occupation and use. I give moderate weight to these matters taking into account the size of the scheme and due to the Framework's objective of significantly boosting the supply of homes.

17. I am conscious that the proposed extension is intended to improve the accommodation at the host dwelling. Whilst, the extension would be clearly beneficial to the appellant, I regard this as a private rather than public benefit given the absence of evidence that the current accommodation is deficient to an extent likely to threaten the viability of the house as a dwelling.

Planning balance

18. Great weight is to be given in the planning balance to any harm to the significance of a heritage asset. Even though, I have found that the harm to the significance of PECA is less than substantial it is not to be treated as a less than substantial objection to the proposal. In my judgement the public benefits attributable to the proposal would not outweigh the great weight to be given to the harm to the heritage asset. As such, the proposal would not comply with paragraph 196 of the Framework. It would also conflict LP Policy 7.8 and CS Policies DH3 and DH(h). These policies, amongst other things, seek development that preserves or enhances the character and appearance of a conservation area and conserve the significance of heritage assets. They are broadly consistent with the Framework and therefore considering paragraph 213 of the Framework this conflict has considerable weight.
19. I have found that the proposal would conflict with LP Policies 7.4 and 7.8 and CS Policies DH1, DH3 and DH(h) and OS(f) and that conflict has considerable and full weight respectively. Moreover, paragraph 15 of the Framework states that the planning system should be genuinely plan-led. I conclude that the proposal would conflict with the development plan as a whole. Taking into account all of the above, whilst there would be benefits associated with the proposal, I consider that there are no material considerations, of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan.

Conclusion

20. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR