



## Appeal Decision

Site visit made on 11 February 2019

by **N Smith BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1<sup>st</sup> August 2019

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### **Appeal Ref: APP/E5330/W/18/3214042 91A Colomb Street, Greenwich, SE10 9EZ**

- 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 Wakaf Limited against the decision of Royal Borough of Greenwich.
  - The application Ref 17/2165/F, dated 6 July 2017, was refused by notice dated 27 July 2018.
  - The development proposed is erection of a part two, part one storey 3 bedroom dwelling.
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### **Decision**

1. The appeal is dismissed.

### **Main Issues**

2. The main issues are:
  - Whether the development would provide satisfactory living accommodation, with regard to the amount and layout of amenity space and the relationship with the adjacent public house; and
  - The effect of the development on the character and appearance of the area.

### **Reasons**

#### *Amenity space*

3. The appeal proposal would contain three bedrooms and so would be more likely to be occupied by a family with children who would have a greater reliance on adequate outdoor space.
4. An area of around 25m<sup>2</sup> of outdoor space would be provided at the rear of the site, at lower ground floor level. This area would be significantly below the 'minimum guide' of 50m<sup>2</sup> for houses with up to three bedrooms described in the supporting text to Policy H5 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (RGLP).
5. Additionally, that outdoor space would be narrow and quite awkwardly shaped, making it difficult, in my view, to properly meet the needs of a family with children.

6. It would be supplemented by a terrace at a different part of the site of around 14m<sup>2</sup>. That this would be in a different location to the main amenity area means that it would not result in a suitable provision overall.
7. The appellant has described that an area around the entrance to the building and a 'semi-private' space at the front of the site should also contribute towards overall amenity space provision. However, these spaces would not be particularly private and, again, are detached from other outdoor areas at the site.
8. I am not satisfied that when taken individually or cumulatively, the amenity space provided at the site would be of an acceptable size or layout to meet the likely future needs of occupiers. As a result, the proposal would be in conflict with Policy H5 of the RGLP and Policy 7.5 of the London Plan 2016 which seek, amongst other requirements, to secure the highest quality of design for new housing including in terms of amenity space.
9. I note that the amount of amenity space provided would be well in excess of the minimum standards described by the Mayor of London Housing Supplementary Planning Guidance 2016. Nevertheless, I attach greater weight to the requirements of Policy H5 in this case, particularly because of the character of the area within which the site is located, where properties generally have good sized, regularly laid out rear garden areas. I also note that there are other examples in urban areas where terraces may have been used successfully in new housing, but I have assessed this proposal within its own context and found it to be unacceptable for the reasons I have described.

#### *Relationship with the public house*

10. The appeal proposal would be in close proximity to the outdoor space associated with the nearby public house. The appellant describes that they are not aware of noise complaints and the Council does not dispute this. This is perhaps reinforced by the fact that the Council's Environmental Health Officer did not object to the planning application.
11. On that basis, I see no reason to describe the public house as a 'problem use' in the terms of Policy E(a) of the RGLP, which describes such uses as those 'which would result in unacceptable emission of noise, light, odours, fumes, dust, water, soil, pollutants, grit or vibration'.
12. The main parties agree that existing licencing controls limit use of the outdoor area at the public house to no later than 11pm and the appellant has described how measures, including omitting opening windows facing the site at above lower ground floor level could help mitigate potential noise impacts. The Council has suggested a condition to help reduce noise impacts, which the appellant has raised no objection to.
13. Potential future residents would be aware of the relationship between the house and the beer garden and in the absence of evidence to the contrary, I am satisfied that it would be an acceptable one, not uncommon in urban areas.
14. For those reasons, I do not find that the appeal development would conflict with Policy E(a) of the RGLP or Policy 7.15 of the London Plan 2016, which seek to ensure that noise impacts are suitably managed.

15. I note a concern raised by the Council as to existing fencing being removed within the beer garden, but this a matter to be resolved between the parties, rather than by this appeal.

#### *Character and appearance*

16. The dwelling would sit adjacent to a row of Victorian terraced houses. Whilst of a different style the proposal would take design cues from those buildings, including a vertical emphasis, large, centrally located windows, front boundary treatment, materials and chimney features.
17. The Council is concerned that the building would be set back from the established front building line and would have a flat roof. However, I find those features beneficial in providing a level of visual subservience to the adjacent terrace. The site is on an exposed and visible corner site, but the proposal would be set in from the front and side boundaries and would not appear overly bulky or dominating.
18. Overall, I consider the design of the building to be a subtle and quite sophisticated introduction into the street scene and that it would be both contemporary and sympathetic to the context. I noted the more modern properties further down the road from the site, which I thought benefited from similar qualities.
19. For these reasons, I consider that the appeal development would be consistent with Policies DH1 and H5 of the RGLP and Policy 3.5 of the London Plan 2016, which seek to ensure that development is of a high quality and appropriate to its setting.
20. Whilst I consider the effect of the development on the character and appearance to be acceptable, I am not satisfied that the development would necessarily constitute 'outstanding or innovative' design to which great weight should be attached in the terms of paragraph 132 of the Framework. This is particularly the case given the conclusions I have reached on the amount and layout of the proposed amenity space, which undermines the overall quality of the design of the dwelling taken as a whole.

#### **Other Matters**

21. A range of other matters including loss of trees, overlooking and the loss of part of the pub beer garden have been raised by third parties. These matters are not advanced by the Council and owing to the overall conclusions that I have reached on the main issues; I have not explored them further.
22. I have carefully considered the benefits that could be brought forward by the development, including a small contribution to local housing stock and assisting the viability of the pub house business, but these do not outweigh the concerns that I have set out.

#### **Conclusions**

23. Whilst I have found that the effect of the proposal on the character and appearance of the area would be acceptable and am not concerned by the relationship between the dwelling and the pub beer garden, I have found that the amount and layout of the amenity space provided would be inadequate.
24. As such, this appeal should be dismissed.

*N Smith*

INSPECTOR