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## Appeal Decision

Site visit made on 24 September 2019

**by P Wookey BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> October 2019**

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**Appeal Ref: APP/E5330/W/19/3234226**

**9 Court Yard, Eltham, SE9 5PR**

- 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 Yavuz against the decision of Royal Borough of Greenwich Council.
  - The application Ref: 19/1675/F, dated 8 May 2019, was refused by notice dated 17 July 2019.
  - The development proposed is described as 'Revised application to 19/0442/F for the construction of 3-storey rear extension with crown roof, installation of 2no. windows to front elevation and change of use of upper floors from retail shop (Class A1) to 3x1-bed residential flats (Class C3)'.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

3. The appeal site (No 9) is located close to the junction of Court Yard and Eltham High Street and is one of three identical three storey terraced properties. No 9 was most recently in retail (Class A1) use at ground floor level with associated storage above. Adjacent properties at No 7 and 5 Court Yard are mainly in commercial uses at ground floor level and storage above and No 11 Court Yard is a public house with residential above. In the area around the appeal site, properties are of different ages and have a wide variety of architectural styles.
4. The development proposed would construct a ground floor rear extension to the full extent of the site and at first, second and third floor level, a full width rear extension with outrigger and balcony and an additional fourth storey. The ground floor would remain in retail (Class A1 use) and the upper floors would create three, one person, one bed flats at the first, second and third floors.
5. The development proposed would raise the existing parapet and introduce a crown roof to the terrace and the fourth storey would extend over the full footprint of the extended lower floors, creating an L-shaped extension to the rear.

6. The development proposed would introduce a crown terrace to the roof of No 9, which would be an anomaly in the otherwise uniform roofscape of the three identical properties No 5-9 Court Yard. Whilst No 11 Court Yard has an existing crown roof, the Council states this was part of the buildings original design and as a result more appropriate to its scale. The roof line of the proposed crown roof at No 9 would be at a lower height than the existing roof line at No 11 Court Yard, and higher than No 5-7 Court Yard, forming an unwelcome stepped appearance in the roofscape which would adversely detract from the composition of the three identical properties. As a result, the development proposed would have a significant disruptive effect on the appearance of the roofscape in this locality and the character and appearance of the surrounding area.
7. The Council has concerns regards the proposed L shaped rear portion of the third storey with inset balcony. However, I note that the outrigger extension at second and third floor levels would be the same as that proposed on the additional fourth storey, to which the Council has raised no concerns with regards the design and inset balcony. Whilst the L shaped rear portion of the third storey would be more visible, it would be at the rear of No 9 and on the basis that it would be compatible with the design at second and third floor levels, I am satisfied that no significant harm to the character of the area would result.
8. I conclude that due to the introduction of the crown roof to No 9 it would have a disruptive effect on the street scene and on the row of identical properties No 5-9 Court Yard. As a result of the detrimental effect on the character and appearance of the surrounding area, the development proposed would be contrary to policies 7.4 and 7.6 of The London Plan (2016) and Policy DH1 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014) and the National Planning Policy Framework, which when read together seek to ensure that new development achieves high quality design and has regards to the character and appearance of its surroundings.

### **Other Matters**

9. I note the Council has concerns with regards the setting of the LB referred to as The Greyhound Public House. The LB is located on Eltham High Street, some distance away from the development proposed and due to the road layout, the LB is well screened by other buildings, including a substantial prominent building located close to the junction of the two roads. As a result, in carrying out my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the setting of the LB and I am satisfied, in this case, that there would be no significant harmful effects on the setting of the LB.

### **Conclusion**

10. For the reasons set out above, the appeal is dismissed.

*Paul Wookey*

INSPECTOR