



Appeal Decision

Site visit made on 16 July 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2019

Appeal Ref: APP/E5530/W/19/3227400

58 Woodhurst Road, Abbey Wood, London SE2 0HE

- 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 A. Muscat against the decision of the Royal Borough of Greenwich.
 - The application Ref 18/4497/F, dated 21 December 2018, was refused by notice dated 21 March 2019.
 - The development proposed is described as the 'creation of a basement including lower level windows to the front, side and rear elevations; creation of a 3-bed flat at the basement/lower ground floor level; construction of a lower ground floor and ground floor rear extension; construction of a side dormer; installation of rear roof light; creation of hard and soft landscaping to the front garden; lowering of the rear garden to create steps and facilitate creation of the lower ground floor; creation of waste and recycling storage areas'.
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Decision

1. The appeal is allowed and permission is granted for the creation of a basement including lower level windows to the front, side and rear elevations; creation of a 3-bed flat at the basement / lower ground floor level; construction of a lower ground floor and ground floor rear extension; construction of a side dormer; installation of rear roof light; creation of hard and soft landscaping to the front garden; lowering the rear garden to create steps and facilitate creation of the lower ground floor; and creation of waste and recycling storage at no. 58 Woodhurst Road, Abbey Wood, London SE2 0HE, in accordance with the application 18/4497/F, dated 21 December 2018, subject to the attached schedule of conditions.

Procedural Matters

2. In October 2018 the appellant secured permission under the prior notification procedure to construct a rear extension to the ground floor measuring 6 metres in length. I note that the Council contends at paragraph 6.15 of its Appeal Statement that since this has not been implemented it therefore lapses by virtue of A.4(13) of the Town and Country Planning (General Permitted Development) (England) Order 2015 which requires implementation before 30 May 2019. However, I note that this time limit has now been removed by virtue of Part 2(4)(b) of the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 No. 907. Thus, I

take the view that the rear extension does constitute a fallback permission which the appellant is authorised to implement if he so wishes.

Main Issues

3. I consider the main issues in this appeal to be the effect of the development proposal upon:
 - the character and appearance of the area by reason of its design, scale and materials; and
 - the living conditions of future residents of the proposed flat and current and future residents of nos. 58 and 60 Woodhurst Road.

Reasons

Character and Appearance

4. Woodhurst Road is a residential avenue that runs broadly south to north and comprises a mixture of housing types which are presented in discrete groups. The appeal property is in a group of 12 semi-detached 2-storey houses on the eastern side of Woodhurst Road between Myrtledene Drive and the pedestrian cut to Bendmore Avenue. Each of these properties has gently sloping, chalet-style roofs. The appeal property is separated from no. 56 Woodhurst Road (to the south) by an open gap measuring about 3-3.5 metres in width. On the opposite side of the road from the appeal property, and standing in a slightly elevated position, is a group of terraced properties.
5. The proposed development comprises three principal components. Firstly, it includes the creation of a basement beneath the existing footprint of no. 58 and a lower ground floor extension at the rear to form a new 3-bedroom flat. Access to the flat will be from the existing side door via an internal staircase. Secondary access would also be provided to the garden via patio doors from the rear extension. Windows along the side of the property and a rooflight would provide additional natural light. The second component comprises an extension of the current ground floor to form a new lounge / dining area. The third and final component is a dormer-window at first floor level to provide additional living space.
6. The rear gardens of the appeal property and its immediate neighbours on the eastern side of Woodhurst Road are separated from those of the properties on Bendmore Avenue by what appears to be a dead-end track of around 2m in width. From the vantage point of the patio / terrace to the rear of the appeal property I formed the view that there was a high level of privacy within the immediate neighbourhood provided by solid wooden fences, mature shrubs and trees.
7. Parts of the appeal site are clearly visible from two principal locations. First, the southern elevation of the appeal property is relatively exposed to those residing diagonally opposite and those travelling south to north along Woodhurst Road due to the open gap between it and no. 56 referred to above. Second, the rear (eastern elevation) of the appeal property can be

seen by those walking along the pedestrian cut between Woodhurst Road and Bendmore Avenue.

8. Pedestrians walking along Woodhurst Road would see the proposed dormer on the roof of the southern elevation of the appeal property. One would also glimpse above the wooden garden gate the top of the southern elevation of the proposed rear ground floor extension. Finally, one would see the top of the side wall of the new basement together with the new windows.
9. The Council contends that, because of its poor design, location and inappropriate materials, the proposed side dormer window would be incongruous and thus out of character with the host property, its neighbouring half in the semi-detached pair (no. 60 Woodhurst Road) and the surrounding area. The Council states that dormer extensions should be small scale ('Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document' (2016)). Although the proposed dormer will be larger than the illustrated example, I do not accept that it will be so prominent as to be detrimental to the character and appearance of the area. It follows from this that I reject the contention that it would prejudice the overall balance with the neighbouring property. Similarly, I do not consider that the views of the exposed part of the southern elevation of the basement would be detrimental to the character and appearance of the area because they are very restricted. Finally, I consider that the materials would also be in keeping with the surroundings.
10. Despite its slightly elevated position the views to the appeal property from the pedestrian cut between Woodhurst Road and Bendmore Avenue are considerably restricted by the wooden fencing along the northern boundary of the rear garden of no. 60 Woodhurst Road. Due to the height of the fence I find that pedestrians would only be able to see the ground floor and above of the appeal property. Whilst the ground floor extension would be clearly visible from this vantage position, I refer to my earlier procedural point that this element of the proposal is permitted development. Consequently, I find that the proposal will not cause any harm to the character and appearance of the area and is thus consistent with Policy 7.4 of the London Plan (2016) (LP), LP Policy 7.6, Policy DH1 of the Royal Greenwich Local Plan Core Strategy with Detailed Policies (2014) (CS), CS Policy DH(a) and with the Residential Extensions, Basements and Conversions Guidance SPD (2018).

Living Conditions

11. The Council contends that the proposed rear extension, due to its scale, would result in an unacceptable loss of sunlight and thus cause a sense of enclosure for occupants at no. 60. The extension would have a maximum height of 3.9 metres and thus would be within the dimensions tolerated under permitted development. But irrespective of that point, from my inspection of the site, I conclude that the development proposal causes no harm to the living conditions of the occupants of no. 60.
12. I note the Council's argument that because of the topography it would be very difficult to achieve step free access to the basement via a sloping

pathway to the rear of the property. For this reason, I conclude that meeting the M4 (2) standard in this case will not be possible. Nevertheless, I note that LP Policy 3.8 (Housing Choice) B(c) does not require all new dwellings to comply with this standard.

13. The Council further contends that the proposed basement flat would offer a substandard level of living to future occupants. Whilst the ceiling height of 2.4 metre satisfies the Nationally Described Space Standards (2015) it falls 10cm short of the standard recommended in Standard 31 – Floor to Ceiling Heights, in the London Housing SPG (which is invoked through CS Policy H5(ii)). I note the concerns over the heat island effect that have prompted the introduction of a stricter standard in London but conclude that the 10cm shortfall is unlikely to produce any material deleterious impact on living conditions for future occupants of the basement flat.
14. Finally, I note that the Council acknowledges that the issue of directly accessible garden space could be resolved through an appropriate condition. It is apparent from the plans that the existing garden would be sufficiently large to meet the minimum private amenity space requirement of 50 square metres for each of the two dwellings. I find that the space could be configured to provide direct access as required by the core strategy. Accordingly, I have included an appropriate condition in the Schedule attached to this decision.
15. Having considered the Council's objections I find that the proposal does not cause any harm to the living conditions of current and future occupants. I find that the proposal is consistent with LP Policy 3.5, LP Policy 3.8, LP Policy 7.4, LP Policy 7.6, CS Policy DH1, CS Policy DH(a), CS Policy DH(b), CS Policy H5 and with Residential Extensions, Basements and Conversions Guidance SPD (2018).

Other Matters

16. I note that the occupant of no. 56 Woodhurst Road submitted an objection which I have had full regard to in coming to my decision. In regard to the occupant's stated concern regarding the use of machinery I have imposed a condition for a demolition / construction method statement to be in place prior to implementation of the planning permission. The occupant expresses concerns about parking, but this was not cited by the Council as a reason for refusal, so it is not a matter that I have had regard to. As regards any risk to ground instability I would advise that the Council's building control officers will inspect the works during construction. Finally, any issues that might arise from anti-social behaviour of future occupants of the flat would be dealt with by the appropriate agencies.

Conclusions and Conditions

17. For the reasons given above I have decided to allow this appeal and grant planning permission subject to conditions.
18. The Council has suggested a number of conditions which I have considered against the advice in the Planning Practice Guidance. In addition to the standard time limit condition I have imposed a condition that the development be carried out in accordance with the approved plans. This is

in the interests of certainty. I have also imposed a condition requiring that the materials used for the development should be agreed with the Council. This is in the interests of visual appearance.

19. I have attached a condition setting out the need for a construction management plan. This is included in the interests of neighbourhood amenity. I have also included a condition requiring the appellant to provide a plan to the Council setting out how the rear garden will be divided to provide sufficient private amenity space for the newly created basement flat and the existing dwelling. This is to ensure for the satisfactory living conditions of current and future occupants of the existing dwelling and future occupants of the basement flat.

William Walton

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be carried out wholly in accordance with the following approved plans unless previously agreed in writing by the Local Planning Authority: Drawings Nos 181214 – EP01 (Proposed Basement Drainage), 181214 – PR01 (Proposed Site Plan / Proposed Site Section), 181214 – PR02 (Proposed Basement), 181214 – PR03 (Proposed Ground Floor), 181214 – PR04 (Proposed First Floor), 181214 – PR05 (Proposed Roof Level), 181214 – PR06 (Proposed Front Elevation), 181214 – PR07 (Proposed Rear Elevation), 181214 – PR08 (Proposed Side Elevation) and 181214 – PR09 (Proposed Section A-A).
2. Prior to the implementation of the development full details, including samples of all facing materials to be used in the implementation of the development and plans showing how the rear garden area will be configured to meet the minimum space standards, shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
3. No development above ground level shall take place until full details of all the hard and soft landscaping arrangements. The hard landscaping shall include surface treatment (including the quality of surrounding pedestrian environment and access points), fencing or other means of enclosure, lighting, seating and children's play equipment shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping as approved shall include preambled materials and be completed before the development is first occupied. The soft landscaping as approved shall include native trees and shrubs, including sizes, species providing pollen, nectar and berries and shall be completed within 12 months or by the end of the first planting season, after the completion of the development to the satisfaction of the Local Planning Authority.
Any trees or plants which die within a period of 5 years from the completion of the development, are removed, become seriously damaged or diseased

shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

4. Prior to the commencement of the development a demolition/construction method statement for the development shall be submitted to, and approved in writing by, the Local Planning Authority. The method statement should include details of the following:
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Haulage routes (This should include consideration of utilising the river);
 - Likely noise levels to be generated from plant;
 - Details of any noise screening measures;
 - Proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded;
 - Likely dust levels to be generated and any screening measures to be employed;
 - Proposals for monitoring dust and controlling unacceptable releases;
 - Wheel washing facilities and facilities for discharging the water;
 - A scheme for recycling/disposing of waste resulting from demolition and construction works

-Site plan identifying location of site entrance, exit, wheel washing, hard standing hoarding (distinguishing between solid hoarding and other barriers such as heras and monarflex sheeting), stock piles, dust suppression, location of water supplies and location of nearest neighbouring receptors; The above details can be found in the Councils' Construction Site Noise Code of Practice (available on the Greenwich Council website), The Mayor of London's 'The control of dust and emissions from construction' and also the BRE four-part Pollution Control Guides 'Controlling particles and noise pollution from construction sites'. The development should be carried out in accordance with the approved Construction Method Statement.
5. Prior to the occupation of the development, full details of the cycle storage facilities for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Cycle parking shall be installed in accordance with approved details prior to the occupation of the development.
6. No part of the development shall be occupied until the residential refuse and recycling storage shown on the hereby approved drawings in condition 1 has been implemented in full and shall thereafter be retained in accordance with those details.
7. All Non-Road Mobile Machinery (NRMM) and plant to be used on the site of net power between 37kW and 560 kW must be registered at <http://nrmm.london/>. Proof of registration must be submitted to the Local Planning Authority.

The NRMM used during the demolition and construction phases must be carried out in accordance with the approved details.

An inventory of all Non-Road Mobile Machinery (NRMM) must be kept on site during the course of the demolitions, site preparation and construction

phases. All machinery should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. This documentation should be made available to local authority officers as required until development completion.