



Appeal Decision

Site visit made on 10 December 2019

by Jonathon Parsons MSc BSc DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 December 2019

Appeal Ref: APP/E5330/W/19/3238497

154 Plumstead Common Road, Plumstead, London SE18 2UL

- 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 Kapil Naran Kerai against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/0277/F, dated 27 December 2018, was refused by notice dated 9 April 2019.
 - The development proposed is an internal refurbishment, alterations and rear upper extension, conversion of upper floor into 1 bedroom flat.
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Decision

1. The appeal is allowed and planning permission is granted for an internal refurbishment, alterations and rear upper extension, conversion of upper floor into 1 bedroom flat at 154 Plumstead Common Road, Plumstead, London SE18 2UL in accordance with the terms of the application, Ref 19/0277/F, dated 27 December 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01/01; 01/05; 02/05; 03/05, 04/05 and 05/05.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building. All new works and works of making good to the retained fabric shall be finished to match the adjacent work unless otherwise stated on the approved drawings and retained for the lifetime of the development.
 - 4) Prior to the completion of the extension hereby permitted, details of a dry and secure cycle parking space shall be submitted and approved in writing by the local planning authority. The space shall be provided and made available for use prior to the occupation of the development and maintained thereafter.
 - 5) Prior to the completion of the extension hereby permitted, details of refuse and recycling storage facilities, and collection arrangements shall be submitted to and approved in writing by local planning authority. The storage facilities shall in all respects be constructed in accordance with the approved details, before the relevant part of the development is first occupied and retained for the lifetime of the development.

Procedural Matters

2. The scheme is for a rear first floor extension and landing area (above an existing extension), associated stair case from the ground floor, and a brick wall at ground floor. There are significant differences between what has been built and the submitted plans. Compared to the submitted plans, there is an additional high flank fence/wall alongside the top of the staircase and landing area. Additionally, there is a larger useable landing area with railings sited around the perimeter of it. On the submitted plans, the railings enclose a smaller area.
3. The Council has largely assessed the scheme on what has been built and not what is shown on the submitted plans. At the appeal stage, the appellant has asked for all of the constructed wall to be considered as part of the scheme but not the associated fencing above this and alongside the stair case. However, even if I considered the landing wall at first floor only, this would materially change the nature of the scheme. The wall stretches all along the landing area in an elevated position.
4. Publicity for the planning application has also been undertaken on the basis of the submitted plans and not what has been built. Consideration of these amendments at this late stage would deny third parties the opportunity to make comments and would prejudice their interests. Third parties have made no comments at the application stage but this provides no guarantee that they would not with a changed scheme. For all these reasons, this appeal considers the proposal as submitted in the application.

Main Issues

5. The main issues are (a) whether the proposal would preserve or enhance the character or the appearance of the Plumstead Common Conservation Area and (b) the provision of private outdoor space for future occupiers of the proposed flats.

Reasons

Character and appearance

6. The appeal site comprises a two storey mid terrace unit which fronts onto Plumstead Common Road and backs onto Jago Close. The unit has a ground floor retail unit. To the rear, there is an outrigger with a pitched roof sloping up to the common boundary at 156 Plumstead Common Road. To the rear, it drops down in scale from two storey to single storey. Attached to the single storey element, there is a flat roofed extension and yard area, with access to Jago Close. At No 156, there is a substantial two storey flat roofed extension alongside the single storey element of the appeal property's outrigger. On the other side of the appeal property, there is a further rear flat-roofed two storey addition.
7. The appeal property and its neighbouring terraced units lie within the Plumstead Common Conservation Area. I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas in accordance with the statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. A key feature of the Conservation Area is its ancient common which is lined by extensive mainly Victorian housing interspersed by landmark buildings, such as schools, churches, chapels and public houses. The long lines of buildings adjacent the common gives a distinctive open setting to the Conservation Area. The common has variable topography with steep valleys in places but its elevation allows views of the Thames and adjacent dockyards. Buildings mostly comprises traditional architectural features, such as bay windows, recessed porches and fenestration with decorative detailing, such as architraves, headers and cills. Architecture varies but this reflects different Victorian and Edwardian periods of time. Such architectural, aesthetic and historical qualities are of significance and value, and of special interest to the Conservation Area, and are reiterated in the Plumstead Common Conservation Area Character Appraisal 2010.
9. The rear of the appeal building has retained some of its original features, including its outriggers but it is dominated by adjoining buildings which have bulky rear additions. This includes a further bulky two storey addition at 150 Plumstead Common Road. Adjoining units have yard areas with sheds, ancillary buildings and car parking areas associated with the commercial uses carried out at ground floor. Although numbers have been disputed, there are two external staircases nearby to the west.
10. The Council maintains that previous instances of unlawful development and poor design should not justify new poor quality development. However, the context of the rear of the appeal site is of commercial units with rear service yard areas. Inevitably, this results in a different feel to the more traditional building frontage along Plumstead Common Road. Even if some developments have become lawful by reason of the passage of time, they would contribute to the context of the area because they would now be permanent features. Furthermore, there has been no evidence put forward to identify which surrounding additions and extensions are unauthorised.
11. It is notable that the Council has also not objected to the proposed first floor extension itself due to the existence of No 156's extension. This would indicate that this is lawful and yet this has a significant presence and influence on the disjointed and mixed makeup of the rear of this section of Plumstead Common Road. Therefore, on the balance of evidence before me, the rear area has a varied and unappealing quality and I find that the rear of the appeal site provides a neutral contribution to the character and appearance of the Conservation Area.
12. The proposed first floor extension would be acceptable by reason of not extending back beyond the extension at No 156 and not being higher than it. It would be similarly flat-roofed. Whilst the existence of rear stair cases is not prevalent in the area, the metal open railed and stepped construction of the staircase would result in a lightweight and visually unobtrusive structure even at first floor level. Similarly, the railings on the landing would not be conspicuous. Consequently, the development would be sympathetic in form, scale, materials and architectural detail to the surrounding area, and would result in a positive relationship between the proposed and existing urban context.
13. As the National Planning Policy Framework (the Framework) makes clear, when considering the impact of a proposed development on the significance of a

designated heritage asset, such as a Conservation Area, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. For the reasons indicated, the significance of the asset does not derive from the rear of the building and its immediate surroundings. There would be no adverse effect on the main defining qualities of the Conservation Area.

14. Taking the form, function and structure of the area into account, the development would preserve the character and appearance of the Conservation Area. Accordingly, it would comply with policies 7.4, 7.6 and 7.8 of London Plan (Consolidated with Alterations since 2011) 2016 and policies DH1, DH3, DH(a) and DH(h) of the Greenwich Local Plan: Core Strategy (CS) with Detailed Policies 2014.

Living conditions

15. The London Housing Supplementary Guidance (SPG) 2016 details a minimum 5m² of private outside space for 1-2 person bedroom dwellings. Based on the submitted plans, the proposal provides none. However, the SPG provides guidance only. The appeal development involves the re-use of existing floorspace above a shop which was already in residential use without a garden area. Indeed, it involves the conversion of two existing bedrooms into a new one bedroom unit which would not result in family-sized accommodation.
16. For all these reasons, private outdoor space would not be required in this particular case and the proposal would comply with policy H5 of CS.

Conditions

17. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. Some have been amended and amalgamated in the interests of clarity and precision taking into account the guidance.
18. To provide certainty, a condition is necessary specifying the approved drawings. In the interests of character and appearance of the area, a condition is necessary setting out the requirements for external materials. To promote sustainable travel, a cycle parking is necessary. In the interests of adequate waste disposal, a condition is necessary to ensure refuse and recycling provision. A condition requiring the provision of private outdoor space is not necessary in light of previous comments.

Conclusion

19. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR