



Appeal Decision

Site visit made on 29 January 2020

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2020

Appeal Ref: APP/E5330/W/19/3236373

58 Woodhurst Road, 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 Antonio Muscat against the decision of the Council of the Royal Borough of Greenwich.
 - The application ref. 19/1621/F, dated 1 May 2019, was refused by notice dated 17 July 2019.
 - The development proposed is described at section 5 of the application for planning permission as *"Sub divide (sic) house into 3 units, add a side dormer, create extensive landscaping, reorganize and upgrade all windows, add skylights, change the roof tiles, render the entire house. Introduce rainwater retention pond to promote biodiversity."*
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council adopted a more comprehensive and accurate description of the proposed development in its decision notice which I have had regard to. There is no need to repeat it in full here but I draw attention to the fact that it correctly cites the inclusion in the proposal of the construction of a "part 1/part 2 storey rear extension" and a "rear dormer roof extension".
3. Under ref. 18/2945/PN1 the appellant secured approval in October 2018 under the prior notification procedure to build a single-storey rear extension measuring 6 m in depth, with a maximum height of 2.9 m and an eaves height of 1.9 m. Under ref. 18/4311/CP a lawful development certificate was granted in February 2019 for "Construction of a hip-to-gable roof extension with rear dormer window and roof lights to front and side slopes. Construction of a 2 storey rear extension."
4. The Council's second advice note on the decision notice for ref. 19/1621/F says that the developments shown on those 2 applications cannot both be lawfully implemented because the cumulative development would not be in compliance with the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO"). I believe this to be a correct interpretation of the workings of the GPDO and in any event the appellant has not sought to directly challenge the Council on this particular point. This limits the weight that can be attached to those 2 applications as a fallback in this case, which must be determined in accordance with the development plan unless material considerations indicate otherwise.

5. As clarified with the parties at the site visit, I do not interpret paragraph 5.4 of the appellant's statement as seeking an amendment to what is proposed. The first floor element of the "part 1/part 2 storey rear extension" is shown to be lower than the main roof ridge.

Main issues

6. The main issues are the implications of the proposal for: the character and appearance of the host property and its surroundings; the living conditions of future residents of the proposed ground floor flat; the safety of pedestrians and other road users arising from the proposed on-site car parking; and the living conditions of the occupiers of nos 56 and 60 Woodhurst Road.

Reasons

7. Woodhurst Road is residential in terms of **character and appearance**. No. 58 is a 2-storey, semi-detached house with a rear garden which slopes down away from the house. It is one of 10 semi-detached 2-storey houses on the eastern side of Woodhurst Road (nos 42-60) built to the same characterful design which remains largely intact. These properties have wide, paired, 2-storey advanced gables at the front with sweeping chalet-style roofs to each side, whilst the rear half of each property is contained under a hipped roof.
8. The rear elevations of nos 58 and 60 stand out prominently above the level of those approaching from Bendmore Avenue to the east along a pedestrian thoroughfare which joins Woodhurst Road a short distance to the north of the appeal site. The western section of this public right of way also accommodates vehicular traffic and leads on to the narrow, unmade back lane which separates the opposing rear gardens of several properties on Woodhurst Road and Bendmore Avenue.
9. Viewed from the front, the proposed side dormer window would be kept at a low level and would sit comfortably within the confines of the large, sweeping side roof. However, the conversion of the hipped roof to a gable end would be wholly unacceptable in this particular context. It would be overbearing, challenge the dominance of the advanced gable at the front and seriously distort the balanced hipped roofs of nos 58 and 60, reducing their attractiveness as a distinctive semi-detached pair of houses.
10. Viewed from the rear, the distortion would be even more noticeable given that the hipped roof is at the rear and that a box-shaped roof dormer would be built over virtually the entire rear roof slope as extended. Cumulatively, the bulk and scale of that rear dormer and of the part 2-storey, part single-storey rear extension and associated rear raised platform would overwhelm the architectural form of the host property and disrupt the well balanced composition of the pair of semi-detached properties.
11. Whilst I find no reason to doubt that the materials of construction would be in keeping with the surroundings, I am afraid that the dummy hipped roof over the 2-storey part of the rear extension, the awkward visual relationship between that roof and the rear dormer, the shallow pitched roof over the single-storey part of the rear extension with 2 slopes of unequal length and the large window in the rear dormer, which would not defer in proportion to those on the first floor below, would all be poor design features in themselves. Moreover, they would also draw further unwelcome attention to

- the incongruity of the development, as would the absence of any similarly designed extensions and roof enlargements at nos 42-60 Woodhurst Road.
12. Consequently, I find on this issue that the proposal would harm the character and appearance of the host property and its surroundings in conflict with the design aims of Policies 7.4 and 7.6 of the London Plan 2016 (LP), Policies DH1 and DH(a) of the Royal Greenwich Local Plan Core Strategy with Detailed Policies 2014 (CS) and the Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document 2018 (SPD).
13. Turning to **the living conditions of future residents of the proposed ground floor flat**, the Council's concern is that this flat's side elevation windows would be significantly overlooked from the adjacent property at no. 56. The ground floor flat (Unit 1) would be a 3-bedroom unit. Given the sheer depth of the resulting building, bedrooms 2 and 3 would rely on windows in the side wall facing no. 56. There is a first floor bedroom window and the main ground floor entrance door in the opposing side elevation of no. 56 only a short distance away. There would be direct overlooking from that bedroom window down into the 2 opposing bedroom windows of the proposed ground floor flat. This would be compounded by the passage of neighbours to and from their main entrance door and rear garden along the side passageway, in very close proximity to those same 2 bedroom windows. Future occupants of Unit 1 would not have an acceptable level of privacy.
14. Fitting the windows to bedrooms 2 and 3 with obscure glass to overcome the overlooking problems would not be a suitable way forward. These would be the only windows to these 2 habitable rooms and future occupiers would experience depressing internal living conditions if such a glazing treatment was introduced.
15. Whilst there might well be an acceptable standard of residential accommodation measured against other standards, such as internal floor space, the design proposal has not demonstrated how 2 habitable rooms within the ground floor flat would be provided with an adequate level of privacy in relation to a neighbouring property. I find on this issue that the living conditions of future residents of the proposed ground floor flat would not therefore be satisfactory and as a high quality housing design has not been achieved in this regard, there would be conflict with LP Policy 3.5, CS Policy H5 and the Mayor's Housing Supplementary Planning Guidance.
16. The Council contends that the **proposed on-site car parking** arrangements at the rear fail to demonstrate sufficient safe manoeuvring space for vehicles. This appears to be a correct judgement based on the plans and the site's constraints. The parking area would have to be provided on excavated ground. The 3 parking spaces and a retained mature coniferous tree are shown to be closely spaced together. Those spaces would also be immediately adjacent to the unmade back lane which is only about 2.6 m wide outside the site. It would be virtually impossible to safely manoeuvre cars into and out of the allocated parking spaces.
17. This added to the potential security and safety concerns of using a back lane without any direct lighting, far removed from the entrance door to the flats which would also be at a notably higher level, may well mean that the hardstanding would remain unused in favour of on-street parking on

Woodhurst Road where there is already pressure on spaces, given the limited number of off-street parking opportunities along that road.

18. It is not sufficient to simply say in response, as the appellant does, that the Council should have requested further information or addressed the issue through the use of planning conditions or a planning obligation. It is not clear to me whether an on-site parking scheme could be made workable, so it would be unwise to cover the matter with a planning condition which could well prove to be unenforceable and unreasonable. Fundamental changes to the site plan and site sections would be required at the very least. These should be considered afresh by the Council in the first instance, through a new planning application.
19. I find on this issue that the scheme is deficient and is likely to give rise to conditions which would adversely affect the safety of pedestrians and other road users. This would fail to respect the transport objectives within LP Policies 6.12 and 6.13 and CS Policies IM4 and IM(c).
20. The Council is concerned about the impact on the **living conditions of the neighbouring occupiers** at both nos 60 and 56 for different reasons.
21. I turn to no. 60 first. Given the relatively low height of the raised rear terrace and of the eaves of the single-storey part of the rear extension, the degree to which the 2-storey part of the rear extension would be set in from the shared boundary and the commanding views available at the rear of no. 60, I am not convinced that the development would impede the outlook from the rear of no. 60 to an unacceptable extent. However, no. 60 lies to the north of no. 58. Given this orientation, I am concerned that the extension scheme, viewed as a whole, could significantly diminish the sunlight and daylight received through the windows to the rear of no. 60 and within its rear garden areas close to those windows. No daylight or sunlight assessments have been submitted to show that the development would be acceptable in this regard.
22. The Council said that the proposed first floor flank elevation windows would directly overlook no. 56, including a first floor flank elevation window there which is clear glazed, resulting in an unacceptable loss of privacy for these neighbours. It is unclear from the submitted drawings whether it is the intention to install one kitchen-diner window (proposed first floor plan) or 2 kitchen-diner windows one with obscure glazing (proposed south elevation) at first floor level in the southern side elevation. Still, the arrangement would effectively be a swap for the current first floor bedroom window which directly opposes a similar one in the northern side of no. 56. It seems to me that this would not produce a material increase in overlooking. The proposed living room window in the side dormer would not result in any serious overlooking given its position in the side roof in relation to no. 56.
23. My finding on this issue therefore is that the proposed development would fail to safeguard the living conditions of the occupiers of no. 60 Woodhurst Road with regard to the daylight and sunlight they enjoy. This would be inconsistent with LP Policy 7.6, CS Policy DH(b) and the SPD which aim to protect the amenity of adjacent occupiers.

Conclusion

24. The principle of the development is not at issue. The National Planning Policy Framework seeks, amongst other things, to significantly boost the supply of homes, make effective use of land and promote the use of the airspace above existing premises. The London Plan has policies on increasing housing supply, optimising housing potential and promoting a real choice of homes. Whilst the scheme would meet all these laudable aims to a greater or lesser extent, they should not be achieved, as in this case, at the expense of the environment in its widest sense. I have found that the design of the development is seriously flawed as it would fail to take into account context and character, would not produce a high quality living environment for future occupiers, would cause unacceptable harm to the amenity of an adjacent residential property and would fail to offer a safe scheme for parking. My findings on the main issues determine the outcome of this appeal.
25. Insofar as the Council has reported upon it, I have had regard to the allowed appeal decision reached under ref. APP/E5330/W/19/3227400 on 24 October 2019 in respect of a more modest conversion and extension scheme for 58 Woodhurst Road. I have studied the planning permissions granted for development at 4 other properties on Woodhurst Road, as provided at section 6.0 of the appellant's statement. From the limited information supplied, I cannot find a development scheme that approaches the one proposed in the application the subject of this appeal and it is an established planning principle that each application and appeal should be assessed on its own merits.
26. There is conflict with the development plan. I find no material considerations of sufficient weight to justify a grant of planning permission. The objections to the development could not be satisfactorily overcome by the imposition of planning conditions. Taking into account all other matters raised, I conclude that the appeal should not succeed.

Andrew Dale

INSPECTOR