



Appeal Decision

Site visit made on 23 October 2019

by Timothy C King BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 24 February 2020

Appeal Ref: APP/E5330/C/18/3214980

242 Burrage Road, Plumstead, London SE18 7JP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Aspire Assets Ltd against an enforcement notice issued by the Council of the Royal Borough of Greenwich.
 - The enforcement notice was issued on 1 October 2018.
 - The breach of planning control as alleged in the notice is:
 - (i) The conversion and extension of the roof space by the addition of a two flat roofed dormer windows on the rear of the property over an existing two storey mono pitched roof, and
 - (ii) The installation of two (2) roof lights on the front roof slope.
 - The requirements of the notice are:
 - (i) remove the two flat roofed dormer windows from the host building.
 - (ii) reinstate the original rear roof slope of the host building.
 - (iii) remove the two (2) roof lights from the front roof slope.
 - (iv) Remove all materials and debris from the land generated as a result of the above steps.
 - The period for compliance with the requirements is nine months (9) after this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a) an application for planning permission is deemed to have been made under Section 177(5) of the Act as amended, and falls to be considered.
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The Notice

1. The enforcement notice is corrected as follows:

Delete Requirements (i), (ii) and (iii) and substitute them with the following:

Requirement (i)

Either: Remove the two flat roofed dormer windows from the host building, reinstate the original rear roof slope of the host building, and remove the two (2) roof lights from the front roof slope.

Or: Carry out remedial works and complete the development in accordance with the terms and conditions of planning permission ref 18/3756/F, dated 30 January 2019 insofar as it relates to the operational development involved.

Requirement (iv) remains but, in view of the said correction, this is now re-numbered Requirement (ii).

2. The notice is also varied with the time period for compliance, set at nine months, being substituted by a compliance period of twelve months.

Preliminary Matters

3. In July 2017, following the Council refusing planning permission for the erection of the dormer extensions and roof alterations carried out, its decision was upheld by way of an unsuccessful appeal.
4. In January 2019, during the appeal process, planning permission (ref 18/3756/F) was granted for, as described, "Demolition of unauthorised rear dormer, erection of two pitched roof dormers to the rear elevation of the main roof, retention of two front rooflights to the front elevation and the continued use of the property as a large HMO (Sui Generis)". This permission remains extant and represents a material consideration in my determination of the current appeal.

The Appeal on Ground (a) and the Deemed Planning Application

Main Issue

5. The deemed planning application (dpa) seeks planning permission for the retention of the flat-roofed dormers and roof alterations in situ. There is no indication that the development carried out has been modified in any significant way since the previous Inspector's appeal decision. In the circumstances the main issue is the development's effect on the character and appearance of both the host building and its surrounding area, with particular regard to its conservation area location.

Reasons

6. The property lies within the Plumstead Conservation Area which, from my site visit and wider observations, is typified by terraced houses of Victorian age with architectural characteristics redolent of the period. Although I acknowledge that a number of the properties within have undergone less than sympathetic alterations over time such changes do not serve automatically to justify development proposals such as that at issue here
7. In dismissing the previous s78 appeal and refusing planning permission for what was then a retrospective proposal, as the development had already been carried out, the appointed Inspector considered that the development failed to preserve or enhance the character or appearance of the Conservation Area.
8. From my site visit observations I must disagree with the appellant as to his point that the rear of the buildings are of less importance and do not affect their heritage significance. The appeal property is a locally listed building, confirming that it is of particular note. The rear of the property is visible when looking eastwards along Cambridge Row and also from neighbouring gardens, with the roof alterations and protruding dormer readily evident and particularly prominent. I consider that these physical alterations detract from the building's character, and the appellant's point that the design is in keeping with the eclectic design of the neighbouring properties is not convincing given the circumstances and particular factors involved.
9. In considering the effects of the development on the conservation area, in accordance with the statutory duty under s72(i) of the Planning (Listed

Buildings and Conservation Areas) Act 1990, I am satisfied that the development is harmful in this respect. Although I consider that, in the context of the National Planning Policy Framework, the proposal causes less than substantial harm to the Conservation Area, any public benefits arising do not outweigh this harm.

10. Nonetheless, I am mindful of the planning permission, granted subsequent to the Inspector's decision, which would modify the roof development and alterations already undertaken, breaking up the massing and providing pitched roofs to the newly permitted two dormer extensions. This permission remains extant, in that it can be implemented (or with works commencing to this end) up to January 2022.
11. The Council's decision to grant planning permission for an alternative and articulated development represents a material change in circumstances from that of the position at the time the enforcement notice was issued, and a fallback now exists. The enforcement notice is thereby corrected, accordingly.
12. As regards the development's retention I conclude similarly with the previous Inspector that its bulk and poor design relative to the host building means that it is harmful thereto and also fails to preserve the character or appearance of the wider Plumstead Conservation Area. It is also in material conflict with the design objectives of policies DH1, DH3, DH(a) and DH(h) of the Greenwich Core Strategy, and also the objectives of policies 7.4, 7.6 and 7.8 of the London Plan.
13. For the above reasons, and having had regard to all matters raised, the appeal does not succeed and planning permission is refused for the planning application deemed to have been made under Section 177(5) of the 1990 Act as amended.

The Appeal on Ground (g)

14. The appeal on ground (g) is that the stated time period for compliance falls short of what is reasonable. The appellant has requested that the nine months specified should be increased to twelve months given that the property is occupied by tenants. In terms of timescales the vacancy of flats and rooms affected by the required steps would be affected by tenancy arrangements, and additional time is therefore requested.
15. I note the Council's representations otherwise but, in the circumstances, I am satisfied that an additional three months would not be excessive and should enable the notice's requirements to be met. The appeal on ground (g) therefore succeeds to this extent.

Overall Conclusion

16. The dpa in respect of the development's retention as it stands fails, and the enforcement notice is upheld. However, in giving consideration to the extant permission ref. 18/3756/F, an obvious fallback scheme now exists. The enforcement notice is therefore corrected, accordingly.

Formal Decision

17. The appeal on ground (a) is dismissed and the enforcement notice is upheld, but is corrected by, in point 7, deleting Requirements (i), (ii) and (iii) and substituting them with the following wording:

Requirement (i)

Either: Remove the two flat roofed dormer windows from the host building, reinstate the original rear roof slope of the host building and remove the two (2) roof lights from the front roof slope.

Or: Carry out remedial works and complete the development in accordance with the terms and conditions of planning permission ref 18/3756/F, dated 30 January 2019, insofar as it relates to the operational development involved.

Requirement (iv) remains but, in view of the correction, it is now re-numbered Requirement (ii).

18. Subject to this correction the notice is also varied with the period for compliance changed in its point 7 by the substitution of the wording "within a period of nine months (9) after this Notice takes effect" with the wording "within a period of twelve months (12) after this Notice takes effect."

Timothy C King

INSPECTOR