



---

## Appeal Decision

Site visit made on 18 February 2020

**by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI**

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

**Decision date: 26 March 2020**

---

**Appeal Ref: APP/E5330/W/19/3240626**

**168a Trafalgar Road, Greenwich, London SE10 9TZ**

- 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 Ahmet Salih against the decision of Royal Borough of Greenwich Council.
  - The application Ref 19/1666/F, dated 24 April 2019, was refused by notice dated 23 August 2019.
  - The development proposed is described as: 'First and second floor rear extension to provide 2no. 2 bed flats and change of use of ground floor retail unit into 2no. units'.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. For clarity and precision, I have inserted 'London' into the address in the banner heading above, as it is listed on the appeal form.
3. The host property is located opposite the East Greenwich Conservation Area (EGCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that in the exercise of planning functions with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. This statutory duty does not extend to the setting of a conservation area and the Council have not raised any objections to the effect of the proposed development on the setting of the EGCA. On the evidence before me, I have no reason to disagree with the Council in this regard.
4. A revised plan<sup>1</sup> has been submitted with the appeal after the decision by the Council was made. I have not taken this into consideration as it has not benefitted from a full consultation exercise undertaken by the Council. In determining this appeal, I have therefore only considered the plans that formed the basis of the Council's refusal of planning permission.
5. It is common ground between the main parties that the elements of the proposed development in dispute are surrounding the effect on the character and appearance of the appeal site and surrounding area from the first and second floor rear extensions and the provision of a refuse / waste storage area within the appeal site. I have dealt with the appeal on this basis.

---

<sup>1</sup> Job No 1337 - Alternative Refuse Layout

## Main Issues

6. Therefore, the main issues of this appeal are the effect of the proposed development on :
- the character and appearance of the appeal site and surrounding area; and,
  - the provision of adequate and practical refuse and waste storage within the site.

## Reasons

### *Character and appearance*

7. The appeal site comprises a commercial property on the ground floor with a 3no. bedroom residential unit located above on the upper floors. The commercial property is accessed off Trafalgar Road and the dwelling is accessed by an alley off Woodland Grove.
8. The proposed rear extension would be located at first and second floor of the host property on top of the existing flat roof extension at ground floor. I note reference by both main parties to approved extensions<sup>2</sup> in the immediate locality and neighbouring the host property. However, I note that only one of these schemes was constructed during my site visit. Additionally, I note the reference by both main parties to the permission at No 172 lapsing. Nevertheless, I acknowledge that both of these approved applications were for similar developments to the scheme before me.
9. During my visit, I observed that views of the rear elevation of the host property from public land was relatively limited, due to the existing development located on Woodland Grove. However, I was able to observe the site from an oblique angle on Woodland Walk. On the evidence before me, I find that the principle of a first floor and second floor rear extension on the host property to be acceptable. Nonetheless, I consider that in this instance the second floor extension by virtue of its external dimensions, including its lowered ridge would result in a discordant feature on the host property through its squat appearance.
10. I acknowledge the misgivings of the external materials used in construction of the extension at No 166 and that the proposed development would be constructed out of brickwork to match the host property, which I consider would be more appropriate and sympathetic to the main building. However, due to the form of the proposed development, I do not find that the proposed materials would provide sufficient mitigation to outweigh the visual harm arising from the scheme.
11. For the above reasons, I conclude that the proposed development would have a harmful effect on the character and appearance of the appeal site and surrounding area. This would be contrary to the design, character and appearance aims of Policy DH1 of the Council's Local Plan: Core Strategy and Detailed Policies 2014 (CS), Policies 7.4 and 7.6 of the London Plan 2016 and the National Planning Policy Framework (the Framework).

---

<sup>2</sup> 16/0439/F at 166 Trafalgar Road and 15/3298/F at 172 Trafalgar Road.

### *Refuse and waste storage*

12. The existing commercial and residential unit have no formal area for waste or refuse storage on site, therefore I acknowledge that there is an opportunity to improve the current situation for existing / future occupiers. The Council's Fleet and Waste Strategy Officer has confirmed that 3no. 240L wheelie bins would suffice for the residential development and that it would be reasonable for the occupiers of the proposed residential units to share the 3no. bins. Additionally, I note that collection from Woodland Grove is acceptable, but the distance from the proposed location in the site would be too far for collection, so this would require the resident to move the bins closer to Woodland Grove for collection.
13. During my visit, I saw that the rear yard to the host property is relatively modest in size. An area of the rear yard would be allocated for storage in connection with the commercial element of the proposal and that the appellant suggests that the outside WC could be used for additional storage purposes. Whilst, I note the Council now consider this element of the scheme acceptable, it is unclear how this area would be conveniently accessed by the future occupiers of Unit 2, due to a likely lack of direct access to the rear yard.
14. Therefore, on the limited details before me, I find that whilst provision for the storage of waste and refuse could potentially be provided in the rear yard, it is highly likely that refuse and waste associated with proposed Unit 2 would be stored to the front of the property. Consequently, given my findings on the details before me, I do not consider that otherwise unacceptable development could be made acceptable through the use of planning conditions in this instance. In any event, as I am dismissing the appeal on other matters, I have not needed to consider this issue further.
15. For the above reasons, I conclude that the proposed development would provide an unpractical provision of storage of refuse and waste within the site. This would be contrary to the design aims of CS Policy DH1 and the Framework.

### **Other Matters**

16. I have also had regard to concerns raised by the appellant about the way that the Council handled the application, but this does not affect the planning merits of the case. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

### **Conclusion**

17. Taking all matters into consideration, I conclude that the appeal should be dismissed.

*W Johnson*

INSPECTOR