
Appeal Decision

Site visit made on 15 October 2019

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

an Inspector appointed by the Secretary of State

Decision date: 18th March 2020

Appeal Ref: APP/E5330/W/19/3232810

25-31 Avery Hill Road, Avery Hill, London SE9 2BD

- 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 Lababidi against the decision of the Royal Borough of Greenwich.
 - The application Ref 19/0209/F, dated 18 January 2019, was refused by notice dated 5 April 2019.
 - The development proposed is the addition of two new storeys to create three flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the scheme on the character and appearance of the area;
 - The effect of the scheme on the living conditions of future occupants of the scheme and occupants of 1 Lannoy Road;
 - The facilities provided within the scheme for bicycle storage; and
 - The mixture of dwelling types provided within the scheme.

Reasons

Character and Appearance

3. The appeal site is a 2-storey, flat roofed building situated on the edge of a 4-way mini-roundabout on Avery Hill Road connecting to Lannoy Road and Stanley Close. It comprises 4 retail units on the ground floor with residential accommodation above. Both the Council and the appellant agree that the building is in a state of some disrepair. There are 2 quite large trees in front of the building. Adjacent to the building is a 3-storey flatted building set back from Avery Hill Road. On the opposite side and further west one finds mainly traditional semi-detached residential properties. Lannoy Road mainly comprises semi-detached properties whilst Stanley Close is made up of recently constructed houses and flats.
4. The appeal proposal consists of the addition of 2 floors topped with a flat roof and would accommodate 2 one-bedroom flats on the second floor and 1 one-bedroom flat on the third floor. The third floor would be about half the width of

the building, symmetrically positioned such that it would be stepped in from either end by several metres. It would be largely glass at the front giving it the appearance of being a roof top penthouse apartment. The front and side elevations of the first and second floors would be horizontally clad with red, orange, yellow and grey panels. The rear elevation would have a painted rendered finish. Several of the front facing windows at the second-floor level would be off-set in alignment with the windows on the first floor.

5. The majority of the buildings along this part of Avery Hill Road are 2-storeys although I also note that there are some 4-storey developments within the area such as at Stanley Close to which the appellant directed my attention. The neighbourhood's sense of place is largely defined by the preponderance of semi-detached 2-storey residential properties. Its location next to the 4-way mini-roundabout means that the appeal property occupies a prominent site. In many ways the existing short parade of 4 shops with flatted residential accommodation above is of a type frequently found along main roads in London and elsewhere.
6. The height of the proposed building would mean that it would be very prominent in the streetscape and as such would tend to dominate the neighbouring buildings. The increased elevation of the building would allow the development of additional residential accommodation, but this would be at the cost of the appearance for this section of Avery Hill.
7. To an extent the visual effect of the 4-storey development would be offset by the two trees when in full foliage but only marginally. Furthermore, the nature and the colour of the building materials for the front and side elevations would be very eye catching. However, rather than contributing to a sense of place or reflect the character, the loud colour mix would be garish and brash. It would therefore, disrupt the current streetscape and materially detract from the existing sense of place which I have described above. Whilst I acknowledge that the existing building fabric needs improvement, I do not accept that the proposal would constitute an enhancement of the current position.
8. I therefore conclude that the proposal would cause an unacceptable level of harm to the character and appearance of the area. Consequently, it would fail to accord with policies 7.4 and 7.6 of the London Plan 2016 (LP) which seek, respectively, to ensure that new development has regard to the surrounding area and incorporates high quality materials and design. Further, I find that it would not be accordance with policies DH1 and H5 of the Royal Greenwich Local Plan Core Strategy with Detailed Policies 2014 (CS) which, respectively, seek to ensure that new development makes a positive contribution to the built environment and takes account of the character of the local area.

Living Conditions

9. The 2 one-bedroom flats on the second floor of the proposed development would measure around 42 and 45 square metres which are both below the 50 square metre threshold for 2-person occupation set out in Policy 3.5 of the LP. The appellant contends that although it is not stated explicitly in the application form that these 2 flats are intended for 1-person occupation only, one must assume that they are so. This position is supported by the annotation on the accompanying plans which describes each of the 2 dwellings on the second floor as being a 'studio flat'.

10. The submitted drawings show that both the proposed flats on the second floor would have a bedroom separate from other living accommodation. I consider that a studio flat typically comprises one main room which simultaneously fulfils the role of a lounge, bedroom and kitchen, and a separate bathroom / toilet. The bedrooms appear to be large enough to accommodate a double bed implying occupancy by 2 people. Given that both the proposed second floor flats would be below the 2-person size threshold I find that they would be too cramped and would thus fail to provide adequate living conditions for future occupants.
11. The plans for the 2 dwellings on the second floor fail to show any private amenity space within the scheme. There is a different view between the Council and the appellant as concerns the availability and accessibility of public amenity space within the neighbourhood. In the absence of conclusive evidence one way or the other I take the view that because of the lack of a balcony or something similar at second floor level the scheme fails to provide sufficient amenity space as required by Standard 26 and 27 of the Mayor of London's Housing Supplementary Planning Guidance 2016.
12. The proposed development would be almost immediately adjacent to the side elevation of 1 Lannoy Road which is north of the appeal site. I understand that there are 2 windows on the side elevation of 1 Lannoy Road although the observations from my site visit were inconclusive. The appeal proposal would also directly overlook the rear garden of 1 Lannoy Road.
13. I consider that because of the height of the proposed building created by the addition of 2 floors there would be an unacceptable loss of sunlight and daylight from 1 Lannoy Road. This effect would be most marked during the spring and autumn afternoons when the sun would be lower in the horizon and the shadowing effect of the proposed development to the south would be correspondingly greater.
14. The windows in the rear elevation of the proposed development would also result in the property being overlooked causing a loss of privacy for the occupants. The installation of frosty glass would lead to a loss of outlook for the future occupants of the proposed development and, furthermore, would not remove the feeling of loss of privacy for the occupants of 1 Lannoy Road. Consequently, I am not persuaded that this issue could be satisfactorily addressed through the imposition of a condition.
15. For the reasons set out above I conclude that the proposal would cause an unacceptable level of harm to the living conditions of future occupants of the scheme and the occupants of 1 Lannoy Road. Consequently, it would fail to accord with Standard 26 and 27 of the Mayor of London's Housing Supplementary Planning Guidance 2016 and with Policy 3.5 of the LP which requires compliance with minimum space standards for new dwellings and a high quality of housing design.

Bicycle Storage Provision

16. The submitted drawings do not indicate any space for the storage of bicycles. It is contended by the appellant that the required standard of bicycle storage could be achieved through the imposition of an appropriate planning condition or a Section 106 Planning Agreement. Given that I have found that there would be inadequate living space within 2 of the 3 proposed dwellings and that,

according to the drawings, there is no space outside of the units controlled by the appellant I am not satisfied that adequate bicycle storage provision could be achieved by either a planning condition or a Section 106 Planning Agreement.

17. I conclude, therefore, that the appeal proposal would fail to accord with Policy 6.9 of the LP which, among other things, requires that one bicycle space should be provided for a 1-bedroom flat or studio flat. It also fails to accord with Policy 1M(b) of the CS which requires the standards in the LP to be implemented.

Dwelling Types

18. The proposal for 3 dwellings would make a numerical contribution to helping meet London's housing needs. They would also be in an area well served by bus routes. However, since all of the dwellings would be 1-bedroom they would not, according to the Council, provide a mix to satisfy a range of housing needs.
19. The appellant asserts that the proposal would provide accommodation required by students, single people and casual workers. I accept that this is true but given the internal dimensions of the two second floor flats I consider that it would not provide for satisfactory living conditions. The appellant further asserts that the flats would provide affordable rented accommodation. However, I note that there is nothing in the proposal to indicate that the flats would be offered at below market rates.
20. Policy H2 of the CS requires a mixture of dwelling types and sizes for all developments. However, the policy makes it clear that this requirement is contingent upon circumstances including the location of the development and the character of the surrounding area. Therefore, I believe that this policy should be applied with some degree of flexibility.
21. I find that because of the limited space available on the second and the third floor it would be difficult to expect the range of types of accommodation identified in the policy. Consequently, I conclude that the appeal proposal would not conflict with Policy H2 of the CS which seeks to ensure a mixture of dwelling types.

Conclusion

22. Whilst I have found that the scheme would be acceptable in terms of dwelling types the appeal proposal fails to comply with the development plan as regards character and appearance, living conditions and bicycle storage. No material considerations have been demonstrated that would be sufficient to justify the proposed development. Therefore, having had regard to all matters raised, I conclude that the appeal should be dismissed.

William Walton

INSPECTOR