



Appeal Decision

Site visit made on 6 October 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2020

Appeal Ref: APP/E5330/W/19/3242713

Land adjacent 14 Westerdale Road, Greenwich Peninsula, London SE10 0LW

- 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 Knightspur Homes Ltd against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/2345/F, dated 1 July 2019, was refused by notice dated 15 November 2019.
 - The development proposed is the erection of a single family dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single family dwelling house at land adjacent 14 Westerdale Road, Greenwich Peninsula, London SE10 0LW in accordance with the terms of the application Ref: 19/2345/F, dated 1 July 2019 subject to the conditions below;
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, EX_E_01, EX_E_02, EX_E_03, PL_H_E01 Rev. C, PL_H_E02 Rev. B, PL_H_E03 Rev. C, PL_H_E04, PL_H_L00 Rev. A, PL_H_L01 Rev. A, PL_H_L02Rev. A, PL_H_L03, PL_H_S01 Rev. A & PL_H_SP01.
 - 3) Prior to occupation of the dwelling hereby permitted, full details of cycle parking provision (to include a minimum of 2 secure and dry cycle parking spaces) shall be submitted to and approved in writing by the local planning authority. Prior to occupation the cycle parking shall be implemented in full and shall thereafter be retained solely for its designated use.
 - 4) Prior to occupation of the dwelling hereby permitted, a scheme for protecting the proposed dwelling from road, rail and aircraft noise sources shall be submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before the dwelling is occupied and retained thereafter.
 - 5) Prior to occupation of the dwelling hereby permitted, details shall be submitted to and approved in writing by the local planning authority to demonstrate that the dwelling meets the required built-in storage standards within Policy 3.5 of the LP. The built-in storage shall be provided before the dwelling is occupied and retained thereafter.

- 6) Prior to the occupation of the dwelling all refuse and recycling facilities shown on the plans hereby approved shall be provided and made available for use and retained thereafter for their designated purpose for the lifetime of the development.
- 7) The dwelling shall not be occupied until Regulation 36(2)(b) of the Building Regulations 2010 (as amended by the Building Regulations (Amendment) Regulations 2015/767) and as set out in section G2 of the Building Regulations Approved Document (110 litres per person per day) has been complied with.
- 8) The dwelling shall not be occupied until the Building Regulations Optional requirement M4 (2) 'accessible and adaptable dwellings' has been complied with.

Procedural Matters

2. The description of the proposal has been altered from the application form to the decision notice, however the application form adequately describes the proposal and I have determined the appeal on this basis. The reasons for refusal are labelled no's 1 and 3, however I am only aware of two reasons for refusal and I have determined the appeal on that basis.

Application for costs

3. An application for costs was made by Knightspur Homes Ltd against Royal Borough of Greenwich Council. This application is the subject of a separate decision.

Main Issues

4. The main issues are a) the effect of the proposal on the character and appearance of the area and b) the effect of the proposal on the living conditions of occupiers at No 14 Westerdale Road (No 14) with particular regard to daylight, sunlight, privacy and outlook.

Reasons

Character and appearance

5. The appeal site is located at the eastern end of a row of traditional terraced properties of pleasant appearance. The site has a sense of purposelessness, separated from No 14 and from Westcombe Hill and the multi lane A102 by an imposing brick wall. The partially broken fencing reveals the rather scruffy and overgrown appearance of the site from Westerdale Road. It does not therefore contribute positively to the character and appearance of the area.
6. The dwelling would effectively represent a modern take on the neighbouring traditional terraced properties. The front part of the property, although narrow would reflect the prevailing roof form and window proportions.
7. The rear and side section of the property would incorporate a flat roof. This would serve to limit the bulk, scale and mass of the dwelling. The developed proportion of the plot would be similar to existing established properties within the terrace and would allow for a well sized private external amenity area.

8. I therefore conclude on this matter that the bulk, scale and mass of the dwelling would be acceptable and would not represent overdevelopment of the plot. The proposal would not have a detrimental impact on the appearance of the street scene or neighbouring properties. There would therefore be no adverse impact on the character and appearance of the area and the proposal would comply with Policies DH1 and H5 of the Royal Greenwich Local Plan (2014) (RGLP) and Policies 3.5, 7.4 and 7.6 of the London Plan (2016) (LP) which amongst other things require housing of high-quality design which is appropriate to the character of an area.

Living conditions

9. Windows on the rear elevation of the main body of No 14 as well as those on the two storey rear off shot currently enjoy greater levels of daylight, sunlight and outlook than would have previously been the case for much of the year when the appeal site was covered in a thick sycamore coppice. Some, but not all, of these windows service habitable rooms.
10. However, the rear off shot of the new dwelling would be set away from the boundary with No 14 and the two storey element would be limited to matching the depth of the adjacent two storey outrigger, while a flat roof would be incorporated into this element of the proposal. These factors would serve to limit the impact of the proposal in terms of loss of daylight, sunlight and outlook.
11. It is also relevant that the proposal seeks to replicate the well-established building pattern of the terrace. However, the outrigger would also incorporate a largely blank western elevation at ground floor level (bar an external door into a hallway) and a completely blank elevation at first floor level. As a result, there would be no detrimental impact on the privacy of the occupiers of No 14.
12. Policy DH(b) of the RGLP seeks to guard against any unacceptable loss of amenity to adjacent occupiers. In using this wording, the policy does not rule out some impact being acceptable. I acknowledge that No 14 would suffer some loss of daylight, sunlight and outlook. However, there is nothing within the evidence or from what I have observed on site to consider that such losses would not be limited and therefore acceptable. I therefore conclude on this matter that the proposal would accord with policies DH1 and DH(b) of the RGLP and Policy 7.6 of the LP which amongst other things, are concerned with such matters.
13. I have not identified any conflict with other policies within the RGLP or LP which have been brought to my attention.

Conditions

14. In addition to the standard three-year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans. A condition is necessary requiring cycle parking in the interests of encouragement of sustainable modes of travel. A condition is necessary in relation to noise protection given close proximity to the busy A102 and railway line to the south. The details of storage space are necessary to ensure high quality internal living space. The provision of the refuse and recycling facilities is necessary in the interests of sustainable waste

management. Conditions relating to water usage and accessibility are necessary in the interests of the sustainability of the dwelling.

15. I have not considered a condition relating to materials necessary as these are clearly detailed on the approved plans and planning application form. I do not consider conditions relating to a landscaping scheme or construction hours necessary given the limited scale of the proposal. I have not included a condition relating to parking permits as it would seek to impede the actions of a person and would not be a restriction on land or buildings. It would therefore not be relevant to planning and would not meet all the required tests.
16. There is no indication that surface water flooding or water pollution is a specific problem at the site and therefore the condition is not necessary. A condition requiring obscure glazing to the rear ground floor door is not necessary as the adjacent internal area only serves a hallway. There is no clear justification for removing permitted development rights and this condition would not therefore be reasonable. There is no evidence that the site suffers from contamination and therefore a condition relating to this matter is not necessary. I have not included a condition relating to boiler emissions as I have not been provided with specific policy justification for its inclusion.

Conclusion

17. For the reasons set out above and taking all relevant matters into account, I conclude that the appeal should be allowed subject to the conditions.

T J Burnham

INSPECTOR