



Appeal Decision

Site Visit made on 27 October 2020

by Mr Martin Allen B.Sc (Hons), M.Sc, M.R.T.P.I

an Inspector appointed by the Secretary of State

Decision date: 2 December 2020

Appeal Ref: APP/E5330/W/20/3256066

1 Beaconsfield Road, LONDON, SE3 7LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ruairi Conneely against Royal Borough of Greenwich.
 - The application Ref 20/1153/F, is dated 22 April 2020.
 - The development proposed is the construction of a detached 4-bedroom house over ground floor and basement levels.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Section E of the appeal form indicates the description of development has not changed from that on the application form, nonetheless a different wording has been entered. I have used the description as entered on the appeal form as this comprehensively describes the proposal.
3. Whilst the appeal is against the failure to determine the application, the Council within its statement has provided putative reasons for refusal. These form the basis of the main issues I identify below.

Main Issues

4. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area, bearing in mind the sites location within the Westcombe Park Conservation Area, and
 - ii) whether occupiers would experience satisfactory living conditions, with particular regard to daylight, sunlight and outlook to the basement level bedrooms.

Reasons

Character and appearance

5. The site lies within the Westcombe Park Conservation Area (the CA). I observed that the significance of the CA lies, in part, in the distinct townscape which comprises mainly two and three-storey residential dwellings, set out as both detached and semi-detached properties, together with the relationship of open spaces and built development. In particular, the presence of open spaces

- around the junction of roads within proximity to the site created an open and spacious arrangement that positively contributed to the significance of the CA.
6. The Westcombe Park Conservation Area Character Appraisal (the WPCACA) identifies that the distinctive streetscapes within the CA are defined by the interrelationship of the public and private spaces. Furthermore, it is recognised that, the townscape character of this area is defined by its distinctive topography and its good quality late Victorian and Edwardian buildings set within leafy, quiet and spacious residential streets.
 7. The appeal site lies adjacent to the convergence of a number of roads, which is an open and spacious location with wide roads and expanses of hard surfacing as well as landscaping, defining the area. The presence of open areas within the confines of surrounding plots also serves to re-enforce the spaciousness of the area, of which the appeal site is one.
 8. The proposal seeks to erect a dwelling within what is currently a side garden area associated with an existing dwelling. The dwelling is designed to have a single storey above ground, with a further level of accommodation at basement level. This is in order to limit the visual effect of the proposal from the surrounding area, as well as aiming to maintain the openness of the location.
 9. Nonetheless, the building would have a visual presence above the boundary treatment surrounding the site. From Beaconsfield Road, the entire length of the roofline of the building would be visible above the fence line, this would similarly be the case from Mycenae Road but from this side, a greater degree of the building would be visible. Moreover, there would be further views of the building from Humber Road. As a consequence, notwithstanding the relatively low height of the dwelling compared to neighbouring buildings and the use of the topography of the site to lower its height, it would remain apparent as an intrusive, built structure within the confines of what is now an open garden area. It would thus diminish and be harmful to the attractive openness of the location.
 10. I noted that a number of trees had been felled within the site and there were clear views to the location from the surrounding area. While landscaping is proposed within the site, this would take some time to establish in order to provide screening. In any event, I find that the inclusion of landscaping, as well as the proposed green roof, would not mitigate the visual presence of the building and the provision of screening is not a good reason to allow development that would be harmful to the characteristic openness of the locale.
 11. I am also conscious that the WPCACA identifies that infill development, particularly in large plots, would intensify the urban grain and should not be encouraged as this would degrade the spacious, leafy character of the CA. I agree that such harm would result from the appeal scheme.
 12. The elevational treatment of the building would be simple, in contrast with the more ornate detailing that can be seen within the surrounding residential development and a green roof would be included. However, given that the dwelling would be viewed separately from the existing properties I find that an atypical design approach would not be harmful, had there not been the harm that I have identified above. Likewise, the use of a main entrance along Mycenae Road, which is a simple and discreet entryway, emulating the existing

garden entrance, would not be an obtrusive or injurious feature. Nevertheless, the lack of harm in these respects does not overcome the harm I have identified in regard to the openness of the CA at this location.

13. Accordingly, I find that the proposal would be harmful to the character and appearance of the area, including the significance of the Westcombe Park Conservation Area. Thus, it would conflict with policies DH1, DH3 and DH(h) of the Royal Greenwich Local Plan: Core Strategy (2014) (the Core Strategy) as well as policies 7.4, 7.6 and 7.8 of the London Plan. Together, and amongst other things, these seek to ensure that development provides a positive relationship between proposed and existing urban context, that heritage assets are protected, that proposals pay special regard to preserving conservation areas, that buildings have regard to the pattern of existing spaces, that development is of the highest quality of design and that development affecting heritage assets should conserve their significance.
14. In failing to preserve the character and appearance of the conservation area, I find that the scheme would result in less than substantial harm to a designated heritage asset. As required by paragraph 196 of the National Planning Policy Framework, I have had regard to any public benefits of the proposed development, including the provision of additional housing. However, any such benefit is not sufficient to outweigh the harm that I have identified.

Living conditions

15. The bedrooms would be accommodated at basement level. The master bedroom would be served by a rooflight above and a lightwell to the side. As a result, this room would be adequately served by light.
16. Bedrooms 1 to 3 would be served only by fenestration that faces a sunken garden. Nonetheless, the submitted daylight assessment indicates that for bedrooms a minimum average daylight factor (MADF) of 1 should be sought. The assessment concludes that bedrooms 1, 2 and 3 would have a MADF of 1.73, 1.96 and 1.74 respectively. I acknowledge that these are average figures through the rooms, however the assessment also shows that the highest daylight factors would be adjacent to the fenestration, with daylight factors of more than 5, and that the daylight factor achieved would reduce with increasing distance into the rooms. I note that the figures show that daylight factors of more than 1 would be achieved throughout the majority of the rooms, with a value of less than 1 only being at their innermost part. On the basis of this information I find that the basement bedrooms would achieve satisfactory levels of daylight so as to ensure that living conditions would be acceptable.
17. Bedrooms 1 to 3 would be located to the northern extremity of the building. While this would limit the amount of sunlight they would receive, I am conscious that the main bedroom and the living spaces above would receive a good level of sunlight. Thus, given that they are secondary bedrooms, I do not find the northern aspect and resultant level of daylight that would be received would result in unacceptable living conditions for occupiers.
18. The basement level rooms would be served by a lightwell in the case of the main bedroom and a sunken garden in the case of bedrooms 1 to 3. In my view, while not being extensive, these arrangements would provide an area of outlook beyond the confines of the rooms themselves. Given the use of the

rooms as bedrooms, and not as main living space, this would provide a sufficient outlook.

19. I therefore find that occupiers would experience satisfactory living conditions, with particular regard to daylight, sunlight and outlook to the basement level bedrooms. Thus, in this respect the proposal would accord with policy H5 of the Core Strategy, as well as Policy 3.5 of the London Plan. Together, and amongst other things, these seek to ensure new residential development is consistent with the Mayor of London – Housing Supplementary Planning Guidance, which seeks to ensure that a good standard of amenity is provided for residents in respect of daylight and sunlight, as well as that housing developments are of the highest internal quality.
20. Reference is made to single aspect dwellings, however given that the ground floor of the proposal would have a dual aspect, I find no harm in this respect.

Other Matters

21. I have had regard to the appeal decision in respect of a previous proposal on the site. Whilst I note the appellant has sought to address the reasons given by the Inspector by significantly altering the proposal, as I have set out I find that there would be harm resulting from this revised scheme and thus the reasons for dismissing the previous appeal have not been overcome.

Conclusion

22. While occupiers would experience satisfactory living conditions, I have found harm to the character and appearance of the area, including the CA; this matter is decisive. For the reasons given above, I conclude that the appeal should be dismissed.

Mr Martin Allen

INSPECTOR