

Appeal Decision

Site visit made on 24 November 2020

by G Powys Jones MSc FRTPI

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

Decision date: 07 December 2020

Appeal Ref: APP/E5330/D/20/3246151
28 Dutton Street, London SE10 8TB

- 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 Ms Rebecca Braidwood against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 19/3358/HD, dated 22 October 2019, was refused by notice dated 5 December 2019.
 - The development proposed is the erection of a three-storey rear extension and excavation to create steps from garden to basement.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appeal dwelling lies within the West Greenwich Conservation Area (CA). It also forms part of a terrace included in a local heritage list as being of architectural or historical significance.
3. Pursuant to the refusal of planning permission for the appeal proposal, the applicant submitted a revised scheme, which was granted permission by the Council¹. The permitted scheme bears strong similarities to that subject of this appeal.
4. In particular, the proposed basement extension and the excavation needed to form the steps leading to it have been approved. So too has a single storey rear ground floor extension of the same width and depth as that subject of the appeal, albeit that the approved ground floor extension has a flat roof.
5. The main difference between the permitted scheme and that subject of appeal relates to the first floor, where an extension to form a wet room is proposed – this was omitted from the approved scheme. This would be set above the ground floor extension; it would be of the same width as it, but less than half its depth.
6. The planning permission granted by the Council in July 2020 assumes importance since it represents firstly, what the Council considers as an acceptable extension and secondly, the appellant's realistic fall-back. The permission is therefore a material consideration attracting significant weight in my deliberations.

¹ Ref 20/1139/HD dated 23 July 2020

Main issues

7. Having regard to the above, the main issues are the effect of the proposals on (a) the host property and terrace of which it forms a part and the character or appearance of the CA, and (b) on the living conditions of the dwelling's existing residents and their neighbours with reference to amenity space provision, visual impact and light.

Reasons

Character and appearance

8. The appeal property is set within a very attractive terrace built in the early to mid 19th century. The proposals would affect the rear of the dwelling. Nevertheless the rear of the property and the terrace, particularly their upper features, are apparent in the public realm, notably from the two branches of Maldenstone Hill.
9. Tall evergreen plants in 30 Dutton Hill's garden screen most of the appeal property's rear elevation in views through a large gap between buildings on the northern branch of Maldenstone Hill. However, its roof, and that of most of the terrace is clearly apparent from this vantage point. There can be no guarantee, however, that the plants would remain in place indefinitely, and if they were removed, more of the property's rear elevation would become clearly apparent from the north on Maldenstone Hill.
10. A more complete view of the rear of the terrace and appeal property is obtained from parts of the branch of Maldenstone Hill to the south-east, where it fronts Nos 47-61.
11. Although I could not clearly see the rear ground floors of all the properties comprised in the terrace from outside the site, the most striking feature to me was the relatively unspoilt nature of the upper parts of the rear elevation and its roof. I found the rear of this terrace to be attractive, particularly given the rhythmic pattern of the original window openings, and the well-preserved nature of its constituent brickwork, its slated roofs and chimneys.
12. The appellant, of course, is entitled to alter the rear elevation in the manner permitted by the Council. However, despite its inset nature, I consider it would be wholly mistaken to permit the proposed extension at first floor level. It would make the already permitted extension appear more bulky, unacceptably so, by the addition of a sloping roof and a first floor projection. The clean lines of the currently unspoilt eaves of the terrace's roof and the roof itself would be inappropriately breached for the first time.
13. I therefore conclude that the proposed development would harm the visual integrity of the host property and the terrace so that the character and appearance of the CA would neither be preserved nor enhanced. Accordingly, a clear conflict arises with those requirements of policies DH1, DH(a), DH(h) & DH3 of the Royal Greenwich Local Plan: Core Strategy (CS) that provide, in combination, that development proposals should be of a high quality of design and of a scale and design appropriate to the building and locality, and that the character or appearance of the Borough's conservation areas should be preserved.

14. Although my assessment is specific to the development under consideration, I am also conscious that a successful appeal could encourage others to promote similar developments, which the Council may find difficult to resist, thus potentially leading to greater harm to the character of the CA. This also weighs against the proposal.
15. I acknowledge that the harm to heritage interests would be less than substantial. In accordance with the terms of the *National Planning Policy Framework*, the harm should be weighed against the public benefits of the proposal. The benefits arising from the proposal, if implemented, are private in nature, and I have not been made aware of any claimed public benefits arising.

Living conditions

16. The proposal would have no greater impact on the appellant's garden than the permitted scheme.
17. Since the proposed extension at first floor level would be inset in comparison with that already approved below, there is no plausible evidence before me, and certainly none that I could discern on site, to demonstrate that neighbours' amenities either side would be harmed as a result of loss of light or an increased sense of enclosure.
18. I conclude that the proposed development, taking account of the fall-back position, would have no greater effect on the living conditions currently enjoyed by the appellant or on the future living conditions of her neighbours than that already permitted. Accordingly, no conflict arises with that provision of CS policy DH(b) which seeks to ensure that new development should not cause an unacceptable loss of amenity to adjacent occupiers.

Other matters

19. Reference has been made to the local planning history, in particular to other examples of development claimed to be similar in nearby streets. I am not aware of all the details relating to the cases referred to, but even so, I have determined this appeal, as required, on its particular merits.
20. I have also taken into account the benefits to the appellant and her family arising from the wet room facilitated by the first floor extension.
21. Reference has been made to the Council's 'Residential Extensions, Basements and Conversions Guidance - Supplementary Planning Document'. This document distinguishes development affecting roofs within conservation areas and this proposal would not accord with this up-to-date design guidance.
22. All other matters raised in the representations have been taken into account, including the content of the Council's Conservation Area Appraisal, but no other matter is of such strength or significance as to outweigh the considerations that led me to my overall conclusion set out below.

Planning balance and overall conclusion

23. I find in favour of the appellant on the first issue - that in respect of the effect of the development on her own and neighbouring living conditions.

24. However, I find against her on the issue of the harm that would be caused to the character and appearance of the appeal property, the terrace of which it forms a part, and the CA as a whole. On balance, this is sufficient reason to dismiss the appeal.
25. Accordingly, for the reasons provided above, the appeal is dismissed.

G Powys Jones

INSPECTOR