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## Appeal Decision

Site visit made on 1 December 2020

**by David Cliff BA MSc MRTPI**

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

**Decision date: 22<sup>nd</sup> December 2020**

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**Appeal Ref: APP/E5330/W/20/3249201**

**48 Avery Hill Road, Avery Hill, SE9 2BJ**

- 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 Mustafa Cella against the decision of Royal Borough of Greenwich Council.
  - The application Ref 19/2648/F, dated 25 July 2019, was refused by notice dated 11 November 2019.
  - The development proposed is erection of a 2 storey side and rear extension to create 2 x 2 bedroom flats. Erection of a detached single storey building at rear to create 1 x studio flat.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - i) The effect of the proposed development upon the character and appearance of the area; and
  - ii) Whether the proposal would provide for a satisfactory residential environment for future occupiers with particular regard to privacy, outlook and the outdoor amenity space.

### Reasons

#### *Character and appearance*

3. The existing property is located at the end of a terrace on a prominent corner plot. The existing side elevation of the building is set back from the pavement edge on Merchland Road. The building on the opposite side of Merchland Road is also set back from the pavement edge and the existing residential properties along this road are also set back from their front boundaries.
4. The proposed two storey extension would be of a substantial depth and would be sited very close to the pavement edge, largely infilling the existing space at the side of the property. In spite of using matching materials and the proposed continuation of the roof form, the resulting development, due to its excessive scale and massing in a prominent location would appear as unacceptably dominant and visually intrusive within the streetscene.

5. The proposed detached studio building would be slightly set back from the proposed extension but would still be located close to the pavement edge forward of the existing building line. The flat roofed design of the building would give it a utilitarian appearance. It would be noticeably higher than the existing boundary wall and would appear as an incongruous and visually intrusive form of development in this location. Whilst there is an existing flat roofed building at the rear, this is set further back from the road and so is less visually prominent than the proposed studio building would be.
6. My attention has been drawn to the 'Toolstation' development on the corner of Avery Hill Road and Eastnor Road. That development is of a considerable size and a contemporary design. I have not been provided with the detail of the circumstances of its approval including any buildings it replaced. Whilst it has a strong presence within the streetscene and contributes to the overall mixed character of the area, it is not particularly prominent in views from Merchland Road and it does not provide justification for the harm I have found to result from the appeal proposal.
7. The proposed development would result in significant harm to the character and appearance of the area. It would be contrary to the design aims of Policies 7.4 and 7.6 of the London Plan and Policies DH1, H5 and H(c) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014. These policies include the requirement to provide a high quality of design.

#### *Residential environment*

8. Bedroom windows for the proposed two bedroom units would be located in the side wall of the two storey extension facing Merchland Road. Whilst the proposed windows at first floor level would not suffer significant privacy or outlook issues due to their raised level, the bedrooms windows facing Merchland Road at ground floor level would lead to both poor levels of privacy and outlook for the occupiers of the ground floor flat due to them being directly adjacent to the pavement. This would particularly be the case for bedroom 1 of the ground floor flat which would have its only window directly adjacent to the pavement edge.
9. The proposed studio unit would be single aspect with its only windows facing and in close proximity to the pavement. The drawings show both railings and a hedge between the window and the pavement. However, given the very limited separation distance, the presence of the hedge in particular would, if not maintained at a low height, restrict both daylight entering the studio flat and the outlook from it. Conversely, if the hedge was maintained at a low height to overcome these issues, it would lead to poor levels of privacy for the occupiers of the studio flat due to its proximity to the pavement, the large size of the main window and the single aspect design of the unit. I am therefore not satisfied that a satisfactory residential environment could be provided for the occupiers of the studio.
10. The appellant states that the flat roof could accommodate some rooflight windows and that high level windows could also be provided in other elevations. However, such details are not shown on the submitted drawings and have not been seen by other parties. I have therefore given such proposals little weight in my decision.

11. Whilst ground floor windows are evident in the flats opposite the site, they are set back a greater distance from the pavement edge than in the appeal proposal. I accept that ground floor windows can also be generally found in some older terraced properties that immediately adjoin the pavement. However, such ground floor windows would not normally serve bedrooms as is proposed in this case. Furthermore, copying existing examples of older development will not always provide the high standard of residential accommodation that is sought by current planning policies.
12. The suggestion of partially obscure glazing bedroom windows would not be conducive to the creation of a high quality residential environment as this would restrict views and outlook from the respective windows.
13. Whilst there would be some space between the studio and the main extended building this would be partially used for cycle parking, refuse storage and access to flat A. It is therefore not clear how it would usefully serve as attractive outdoor amenity space for any of the units. My attention has been drawn to the existence of several public outdoor spaces. However, such spaces do not appear to be so convenient to be very quickly accessible from the appeal site by residents in lieu of private amenity space.
14. Whilst the existing flat does not have any private amenity space and would be enlarged to be above the minimum floorspace standard, the limitations of the outdoor amenity space provision adds to a limited degree to my overall conclusion on this main issue that the proposed development would not provide an acceptable residential environment for future occupiers. This would fall short of the Council's policy aim to provide a high quality of housing design.
15. The unacceptable residential environment that would result for future occupiers of the appeal scheme would be contrary to the residential design and amenity aims of Policy 3.5 of the London Plan 2016, Policies H5 of the Local Plan and the Mayoral Housing Supplementary Planning Guidance.
16. The Council's decision notice also refers to policy H(a) of the Local Plan. It has not been made clear why this policy is relevant to the proposal as the scheme would not result in the net loss of housing. However, the proposal would be contrary to the relevant policies listed above and also the aim in paragraph 127 of the National Planning Policy Framework ('the Framework') to provide a high standard of amenity for future users.

### **Other matters**

17. The proposal would not result in any harm to the living conditions of neighbouring residents. There is no evidence to suggest that the existing use of the site causes significant detriment to neighbouring living conditions and this matter therefore carries neutral weight. The lack of harm to highway safety is also a neutral factor in my considerations as it is a general policy expectation rather than a particular benefit of the scheme.
18. The proposal would extend the commercial ground floor frontage of the terrace. This would increase, but only to a modest extent, the viability and vitality of the frontage
19. The proposal would provide three residential units (replacing one existing residential unit), in an accessible location, contributing to the supply and mix of housing within the Borough. It also seeks to make more effective use of the

land. Such benefits are supported by national and local policies. Nevertheless, in this case the benefits of the development, whether considered individually or cumulatively, would be outweighed by the harm I have found would result upon the character and appearance of the area and from the unsatisfactory residential environment that would be provided for future occupiers. This harm is the overriding consideration and leads me to find that the proposal would not represent sustainable development as sought by the Framework.

20. Given the harm resulting, this is not case where the imposition of conditions would ensure that all material planning considerations can be satisfactorily addressed. I have also not been provided with drafting of conditions to alleviate the harm I have found to result.

### **Conclusion**

21. The proposal would be contrary to the development plan as a whole and there are no other material considerations which outweigh this finding.
22. I therefore conclude that the appeal should be dismissed.

*David Cliff*

INSPECTOR