



Appeal Decision

Site visit made on 17 June 2021
by C Rafferty LLB (Hons), Solicitor

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2021

Appeal Ref: APP/E5330/W/21/3268877 57A Kingsground, Eltham SE9 5EY

- 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 Colin Brown against the decision of the Royal Borough of Greenwich Council.
 - The application Ref 20/0326/F, dated 31 January 2020, was refused by notice dated 8 December 2020.
 - The development proposed is described as the construction of a single storey rear extension and subdivision of plot to facilitate construction of a two storey dwelling house (1 x 2 bed).
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey rear extension and subdivision of plot to facilitate construction of a two storey dwelling house (1 x 2 bed) at 57A Kingsground, Eltham SE9 5EY subject to the conditions set out in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for Costs

3. An application for costs was made by Mr Colin Brown against the Royal Borough of Greenwich Council. This application is the subject of a separate Decision.

Preliminary Matters

4. The description of development has been taken from the appeal form and Council's decision notice as it was more succinct than that provided on the application form.
5. The Council's decision notice refers to policies of the London Plan (2016). The London Plan (2021) has now been adopted. As appeals must be determined in accordance with the policies in force at the time the decision is made the policies of the London Plan (2021) have been used in this recommendation. Parties were given the opportunity to comment on the updated position and these comments have been considered, where received.
6. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance

with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

7. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons for the Recommendation

8. The appeal site comprises a semi-detached dwelling in a set-back corner plot with garden space to the side and rear. The area is residential with a mix of detached, semi-detached, and terraced dwellings of a highly consistent style and design, although the appeal property and neighbouring dwelling are notable exceptions to this, having a distinctly different appearance. While this sets them apart, the discreet and recessed positioning ensures that they do not detract from the character of the streetscene.
9. The proposal incorporates an additional, attached dwelling to the south. This represents additional built form when compared with previous applications at the site, although it would respect the scale and bulk of the other properties in the area and create another example of terraced dwellings in the street. While it would introduce an additional dwelling that does not match the predominant style, it would integrate effectively with its immediate neighbours. In addition, it would also be positioned in a discreet plot, set further back than the appeal property. As such, the dwelling would not result in an adverse impact on the area from a design perspective.
10. The proposal would also involve the subdivision of the site to accommodate the additional dwelling. This would reduce the openness of the site and result in two smaller plots. Nevertheless, the existing plot is of comparatively generous proportions and the resultant plots would not be of an abnormally small size within the residential area. Due to the corner position of the site and extent of gardens to the side and rear when compared with neighbouring plots, the subdivision would not appear as uncharacteristic in the surrounding context. The resulting sites would reflect the development pattern of the area, rather than appearing cramped or overdeveloped.
11. For similar reasons, the proposed rear extension would not lead to unacceptable impacts. Constructed from matching materials and of modest scale, it would not represent a dominant or incongruous addition to the subdivided site. In addition, views of the extension would be limited and it would not visually impact the surrounding area.
12. It is noted that the proposal would be adjacent to the Eltham Palace Conservation Area (CA). However, the Council has concluded that it would not cause harm to the character and appearance of the CA. For the reasons given above in terms of the scale, design and positioning of the proposal, in addition to its minimal impact on the immediate area and limited visibility from the CA, I have no reason to disagree.
13. For all of the above reasons, I find that the development would not have an adverse effect on the character and appearance of the host dwelling or the surrounding area. Accordingly, it would comply with Policies DH1 and H(c) of the

Royal Greenwich Local Plan Core Strategy with Detailed Policies (2014) and Policy D3 of the London Plan (2021) which together seek to ensure a high level of design.

Other Matters

14. It has been argued that the proposal could set a precedent in the local area, particularly for subdivision. However, given the specific nature of the site with its discrete corner plot and side gardens, I consider this unlikely. A generalised concern regarding precedent does not in any event justify withholding permission.
15. Reference has been made to other applications in the area that have been refused. Limited detail on these schemes or their comparability to the proposal have been provided. From the information submitted such development appears to have been of a greater scale than the proposal with a positioning that does not respect the surrounding pattern of development in the way that the proposal does. In any event, each appeal is determined on its own site specific circumstances.
16. Interested parties have queried the impact of the proposal on the living conditions of neighbouring residents, particularly with regards to outlook and privacy. While I accept that the proposed development would introduce built form closer to No. 30 Kings Orchard, it would be adequately screened with no windows inserted within the side elevation. With regards to No. 57A the proposal would not result in an uncommon residential relationship in terms of privacy or outlook at this location. In addition, the resulting amenity spaces would be of adequate size and shape for day to day living.
17. Comments were also received on highway safety as the proposal would result in increased traffic movements close to a footpath. However, the frequency and nature of these movements arising from one additional dwelling are not considered to be of such a scale as to cause significant impacts to highway safety or to warrant a refusal.
18. With regards to the other concerns raised, the availability of parking spaces and adequate bin storage have been addressed by the attached conditions. Finally, a generalised concern was raised about pollution. While no further detail of this concern was provided, due to the nature of the proposal as a single dwelling it is not concluded that it would cause sufficient levels of pollution to such a degree as to cause significant harm or to justify withholding permission.

Conditions

19. Regard has been had to the conditions suggested by the Council. The standard time limit condition as well as a condition that the development is carried out in accordance with the approved plans are necessary for the avoidance of doubt and in the interests of proper planning. I have also imposed a condition to ensure that the materials match those of the existing building in the interests of safeguarding the character and appearance of the area.
20. To ensure adequate provision of refuse, recycling and cycle storage in addition to the proposed car parking, a condition has been included to address these matters. A condition has also been imposed to ensure adherence to the Building Regulations in respect of water efficiency and accessibility/adaptability. Finally, in respect of air quality, a condition has been imposed relating to boiler specifications.
21. The National Planning Policy Framework is clear that planning conditions should not be used to restrict national permitted development rights unless there is a clear

justification for doing so. As no clear justification demonstrating any exceptional circumstances indicating that I should do so has been put before me, I conclude that it would neither be reasonable nor necessary to add such a condition.

Conclusion and Recommendation

22. Having had regard to all matters raised, I find that there are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I recommend that the appeal should be allowed subject to the conditions at paragraph 1 of this report.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be allowed subject to the conditions set out in the Schedule of Conditions.

Martin Seaton

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans DATED 4 November 2019: KGD RA 01 49 Rev PL, KGD RA 01 50 Rev PL, KGD RA 01 51 Rev PL, KGD RA 01 52 Rev PL, KGD RA 01 099 Rev PL, KGD RA 01 100 Rev PL, KGD RA 01 101 Rev PL, KGD RA 01 105 Rev PL and KGD RA 01 106 Rev PL.
- 3) The materials to be used in the external surfaces of the development hereby permitted shall match those of the existing building.
- 4) The dwelling hereby approved shall not be occupied until the cycle storage, refuse storage and recycling facilities are provided in accordance with drawing nos. KGD RA 01 099 Rev PL, KGD RA 01 100 Rev PL and KGD RA 01 101 Rev PL and in accordance with details which shall previously have been submitted to and approved in writing by the local planning authority. The cycle storage, refuse storage and recycling facilities shall be retained thereafter.
- 5) The dwelling hereby approved shall not be occupied until the car parking area shown on drawing nos. KGD RA 01 099 Rev PL, KGD RA 01 100 Rev PL, KGD RA 01 101 Rev PL has been provided in full. The car parking area shall be retained thereafter.
- 6) The dwelling hereby approved shall not be occupied until Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency and Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings have been complied with.
- 7) The dwelling hereby permitted shall contain boilers which have dry NO_x emissions not exceeding 40 mg/kWh (0%). The boilers shall be installed and retained for the lifetime of the development unless the prior written approval of the Local Planning Authority is given.