

Appeal Decision

Site Visit made on 17 August 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2021

Appeal Ref: APP/E5330/W/21/3268311

14 Cantwell Road, Plumstead SE18 3LW

- 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 Platinum Gold Homes Ltd against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 19/1600/F, dated 25 April 2019, was refused by notice dated 23 October 2020.
 - The development proposed is demolition of existing building and replacement with four two/three storey townhouses.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building and replacement with four two/three storey townhouses at 14 Cantwell Road, Plumstead SE18 3LW in accordance with the terms of the application, Ref 19/1600/F, dated 25 April 2019, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the planning application was decided, the latest version of the London Plan (2021) has been published and is now part of the development plan for London. Both parties were asked to provide any additional representations in relation to the new London Plan policies. I have taken these representations into account. This appeal is therefore determined having regard to the most recently adopted London Plan policies.
3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Accordingly, both parties were invited to provide representations in relation to the revised Framework. I have taken these representations into account and had regard to the revised Framework in considering this appeal.

Main Issues

4. The main issues are as follow:
 - The effect of the proposed development upon the character and appearance of the appeal site and surrounding area.
 - Whether the proposed development would provide a suitable standard of living accommodation for future occupiers, with particular regard to accessibility and adaptability.

Reasons

Character and Appearance

5. The appeal site comprises an existing two-storey detached dwelling located at 14 Cantwell Road (No 14). The existing property includes a large garden to the rear and side of the plot and an existing driveway to the front. The existing dwelling stands out significantly in the street scene. It is lower in height than the neighbouring properties either side and has a distinctly different design. The elevations are rendered and there are two sets of prominent bay windows with tiled cladding. These design features are not characteristic of the surrounding area.
6. Cantwell Road is characterised by a range of architectural styles and includes detached, semi-detached and terraced dwellings. There are also several blocks of flats in the surrounding area. The scale of development on Cantwell Road varies. Indeed, there are numerous properties which are prominent in the street scene, some of which are three stories in height.
7. Many of the neighbouring dwellings, including those either side of the appeal site, have ground floor basements with frontages adjacent to Cantwell Road. These frontages are below ground, such that the terraces have a two-storey appearance when perceived from Cantwell Road, but they are in effect three storeys. Roof forms on Cantwell Road vary in terms of their scale, design and width. In summary, the design of development in the surrounding area is not particularly uniform. Albeit the majority of the properties are attractive and there is uniformity in the front building lines.
8. The proposed development would introduce a row of four terraced dwellings. However, the development has been designed such that the dwellings would appear as two distinct pairs, such that they have a semi-detached appearance. This appearance would reflect both the nearby terraced dwellings and the adjacent semi-detached pair of dwellings at No 22 and No 20. The maximum ridge height of the dwellings would be increased, such that when perceived from Cantwell Road, the development would be similar in scale to the neighbouring properties either side. The ridge height would be slightly higher than the adjacent detached dwelling at No 12. However, this reflects the slope of Cantwell Road.
9. The width and height of the proposed pitched roof would be slightly more prominent than the immediately adjacent development. However, in this regard, there is little uniformity on Cantwell Road. Indeed, there are examples, on the opposite side of the street, of roof plains with a similar scale and width.
10. Gaps would also be retained between the proposed dwellings and neighbouring properties. These gaps are reflective of those which exist elsewhere along Cantwell Road and to this extent the design is in keeping with local character. Whilst the depth of the two-storey element of the proposed development would be greater than that of neighbouring properties, this would not be obviously apparent when perceived from Cantwell Road. On this basis, the massing of the gable ends would not be visually harmful.
11. The dwellings would include a basement with a frontage at lower ground floor level adjacent to Cantwell Road. This is a characteristic feature of the surrounding area. Indeed, this design reflects the adjacent neighbouring

- properties either side, which also incorporate basements of a similar design and orientation.
12. Given that the site slopes down towards the rear, the proposed development would appear as a three-storey dwelling with roof dormers when perceived from the proposed rear gardens. However, the scale of development would be similar to the adjacent neighbouring dwellings when perceived from neighbouring gardens. Therefore, the proposed development would not result in any significant visual harm when perceived from the rear.
 13. I acknowledge that the proposed development involves an increased quantum of development when compared to the existing single dwelling. However, given my considerations above, the proposed development would not be harmful to the character and appearance of the surrounding area. Indeed, the proposed development would be more in keeping with local character than the existing dwelling.
 14. For these reasons, the proposed development would comply with Core Strategy¹ Policies DH1, H5 and H(c) and London Plan Policy D3, which together require that development is of a high-quality design, which is in keeping with local character.
 15. The proposed development would also comply with Framework Paragraph 130, which requires in part that new development is visually attractive and sympathetic to local character.

Accessibility and adaptability

16. The Council states that the Housing Occupational Therapist assessed the submitted plans and concluded that they did not meet the Building Regulation Requirement M4(2) 'Accessible and adaptable dwellings'. The Council suggests that the front entrance door and lobby width would be too narrow, the front door landing should be covered, that there should be a bathroom and kitchen shown on the ground floor, that the stairs would be too narrow and that the bathroom and shower would not be sufficiently accessible. No specific technical details or measurements have been advanced by either party in relation to compliance with M4(2). Notwithstanding this, I must consider this appeal based upon the evidence before me.
17. The M4(2) standard is an 'optional' Building Regulations standard. As such, the Planning Practice Guidance (PPG) advises that these standards should be referred to specifically within a relevant development plan policy in order that they apply to new development. London Plan Policy D7 states that all new dwellings should meet Building Regulations Standard M4(2). As such, these standards are applicable to the proposed development. This also means that the standards must be controlled by planning condition in order that they apply to new development.
18. The Council asserts that the required alterations to the layout and design of the proposed development are such that compliance with M4(2) standards cannot, in this particular instance, be controlled by condition. The Council suggests that the front door width and need for the landing area to be covered are requirements which would necessitate revisions to the design which would 'not respect the design put forward as part of the application.'

¹ Royal Greenwich Local Plan Core Strategy with Detailed Policies 2014

19. The PPG advises that, if some detail (or lack of detail) given in a planning application is unacceptable, it is often best to invite the applicant to revise or resubmit the application. It would not be appropriate to modify the development so as to make it substantially different from that proposed. However, it may be possible to impose a condition that would result in a minor modification to the development. It was held in *Bernard Wheatcroft Ltd v SSE* [1982] JPL 37 that amended plans can be accepted on appeal and approved through a grant of conditional permission, provided that there is no substantial difference between what was originally applied for and the amended scheme. The appropriate test to be applied in this context is whether the development is so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation.
20. On balance, I do not consider that the changes which would be required to the external elevations would be so fundamental that they would deprive those originally consulted of an opportunity for consultation. This is because the required alterations are minor in scale in comparison to the scale of development proposed. Alterations to front door widths and the introduction of a covered area, either externally or through some form of recess (to match neighbouring properties), would not fundamentally alter the overall appearance of the proposed development.
21. The Council has also suggested that the alterations required to the internal layout of the dwellings might be 'fatal' to any planning permission granted. This assertion is based upon the premise that the floor areas are 'narrow'. I do not accept this assertion. The Council's committee report confirms that the total Gross Internal Area (GIA) of each dwelling far exceeds the Technical housing standards – nationally described space standard. Whilst the GIA is split over three floors, I consider that there is sufficient flexibility, in terms of the internal layout, to accommodate the changes which the Council have outlined within their evidence. As such, a planning condition to control this would not prevent the proper implementation of the permission. In this regard such a condition would be reasonable and would address the concerns raised by the Council.
22. For the reasons outlined above, subject to an appropriately worded condition, requiring submission of plans to demonstrate compliance with Building Regulation M4(2), the proposed development would comply with London Plan Policy D7. For the same reasons, the proposed development would also comply with London Plan Policy D5, which requires that new development achieves the highest standards of accessible and inclusive design.

Other Matters

23. The proposed development would result in a net increase of three dwellings. There would be social and economic benefits associated with the increase to the Borough's housing stock. These are benefits which can be afforded significant weight. This is consistent with the emphasis at Framework Paragraph 60 on significantly boosting the supply of housing.
24. As part of the planning application, a Basement Impact Assessment (BIA) was submitted to the Council. The BIA sought to address concerns in relation to underground streams, storm water and other issues. This assessment included a ground storm water drainage plan and requirements for water level and soil investigations prior to construction. The evidence before me indicates that the layout of the development was subsequently revised slightly. As such, the

Council's committee report recommended a condition requiring submission of an updated BIA. In the absence of any evidence to indicate otherwise, subject to an appropriately worded condition to this effect, there would not be an unacceptable adverse impact upon any below ground natural springs or associated impacts on subsidence.

25. The proposed development does not include any off-street parking provision. However, during my site visit, I noted that there was ample parking available on Cantwell Road, which is not within a controlled parking zone. I recognise that my site visit only represents a snapshot in time. However, I note that the Highway Authority did not object to the proposed development on these grounds. Furthermore, I do not consider that the quantum of development proposed would lead to an unacceptable increase in on-street vehicle parking. As such the proposed development would not have an adverse impact upon highway safety in this regard.
26. During my site visit I assessed the impact of the proposed development upon the living conditions of the occupiers of neighbouring properties. In particular, I considered the impact on light, privacy and outlook upon the occupiers of No 16 and No 12, which are directly adjacent to the site. Given the orientation and siting of the 2/3 storey element of the development in relation to neighbouring windows, I do not consider that there would be any unacceptable loss of light or overbearing impacts upon these neighbouring properties. Neither would there be any unacceptable loss of privacy, given that the only windows facing these properties would serve the stairs of the proposed dwellings. In addition, there is no evidence before me to indicate any unacceptable adverse impacts upon the living conditions of occupiers of any other neighbouring properties.
27. Concerns have been raised that the construction of the development and in particular the construction of the basement would be disruptive and would have a harmful impact upon living conditions. However, construction activities can be controlled through a condition requiring submission of a demolition and construction method statement, such that there would not be any unacceptable harm in this regard.

Conditions

28. Suggested conditions have been considered in light of advice contained in the Planning Practice Guidance and the tests within the Framework. As a result, I have amended some of the conditions so that they are enforceable, precise, necessary, relevant and reasonable in all other respects.
29. With regard to Section 100ZA of the Town and Country Planning Act 1990 (as amended), the appellant has given written agreement to the pre-commencement conditions [4,5 and 6] as recommended by the Council. I have revised these conditions such that they are more precise and enforceable. However, the effect of the conditions remains unchanged and as such the appellant has not been prejudiced in this regard. The appellant has also agreed to an additional pre-commencement condition [3], which the Council originally proposed as taking effect prior to occupation. However, as this condition relates to the construction of the basement it is necessary that details are provided prior to demolition and construction.

30. Conditions relating to timeliness [1] and the identification of plans [2] are necessary to provide certainty. Albeit, I have removed reference to supporting application documents where it is not necessary to control these by condition.
31. A condition relating to the construction impacts associated with the basement [3] is necessary, in the interest of the living conditions of neighbouring occupiers and to prevent unacceptable flooding or drainage issues arising. Similarly, a condition requiring submission of a demolition and construction method statement [6] is required, in the interest of the living conditions of neighbouring occupiers. A condition requiring compliance with Building Regulation M4(2) [4] is required for the reasons already outlined in this decision.
32. In the interest of preserving the character and appearance of the surrounding area, conditions requiring details in relation to materials [7], cycle storage [8] and hard/soft landscaping [9 and 10] are required, as well as a condition requiring implementation of tree protection measures [5].
33. A condition requiring the removal of the vehicle crossover and reinstatement of the footway is necessary [11]. The appellant suggests that this condition is for the highway authority to control under separate legislation. However, a Grampian condition to control this is appropriate and necessary in this instance in the interests of highway safety.
34. Conditions requiring adherence to water consumption limits [13] and boiler emission limits [12] are required in the interests of sustainable water usage and air quality, respectively. With regard to water consumption, the appellant has suggested that this condition is not required as it relates to a Building Regulation requirement. However, this particular Building Regulation is optional and a planning condition is required in order to ensure that the development complies with it. This condition ensures compliance with London Plan Policy SI 5², which requires that the development does not exceed 105 litres per day per head.
35. The Council has suggested that permitted development rights should be removed by condition. However, the only explanation given is to enable the Council to assess the impact of future development. Framework Paragraph 54 states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this case, the rationale provided by the Council does not provide a clear justification and I do not consider that there is a clear justification. As such a condition to this effect would be unnecessary and unreasonable.

² London Plan Policy SI 5 Part C

Conclusion

36. The proposed development would comply with the development plan, taken as a whole. There are no other considerations which indicate that a decision should be made other than in accordance with the development plan. As such, I conclude that the appeal should be allowed, subject to the conditions in the attached schedule.

Luke Simpson

INSPECTOR

SCHEDULE OF CONDITIONS

- 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: PA001 REV B, PA002 REV B, PA003 REV A, PA004 Rev A, PA005 Rev B, Arboricultural Report JC/AIAMS1/14C.
- 3) No development shall take place, including demolition, until an amended Basement Impact Assessment (BIA) (Updating: 219/0637(A) dated November 2019) has been submitted to and approved in writing by the local planning authority. The revised BIA shall reflect the approved building layout as shown on approved plan reference PA001 REV B and must assess and where relevant set out mitigation and/or avoidance measures associated with the impact of construction upon neighbouring buildings. The development shall be carried out and retained in accordance with the approved details.
- 4) No development shall take place, including demolition, until plans demonstrating that the development hereby approved complies with Building Regulation requirement M4(2) 'accessible and adaptable dwellings', have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans and thereafter retained in accordance with those plans.
- 5) No development shall take place, including demolition, until the protection measures proposed within the approved Arboricultural Report (Reference: JC/AIAMS1/14C) have been fully implemented. These measures shall be retained during construction in accordance with the guidance contained within the approved Arboricultural Report.
- 6) No development shall take place, including demolition, until a Demolition and Construction Method Statement (DCMS) has been submitted to and approved in writing by the Local Planning Authority. The DCMS shall include a management scheme to control and minimise potential impacts on the operation of Cantwell Road (including the footway) and control and minimise emissions of pollutants, from and attributable to the construction of the development. This should include a risk assessment and a method statement in accordance with the control of dust and emissions from Construction and Demolition Best Practice Guidance published by the Greater London Authority.

The scheme shall set out the following measures:

- Site hoarding
- Traffic and site delivery management
- Wheel washing including location and equipment to be used
- Dust suppression methods to be used including details of equipment during the different stages of the development
- Confirmation if a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation

- Site plan identifying location of site entrance, exit, wheel washing, hard standing, hoarding (distinguishing between solid hoarding and other barriers such as heras and monarflex sheeting), stock piles, dust suppression, location of water supplies and location of nearest neighbouring receptors
- Construction hours

The proposed development shall thereafter be constructed in accordance with the approved details.

- 7) No development above damp proof course level shall take place until the following have been submitted to and approved in writing by the local planning authority:
- a) A detailed schedule with specifications of all external materials and finishes/windows and external doors/roof coverings to be used in the construction of the buildings hereby permitted
 - b) A sample of the proposed brick to be used on walls

The development shall be carried out and thereafter retained in accordance with the approved details.

- 8) No development above damp proof course level shall take place until full details of cycle parking facilities have been submitted to and approved in writing by the local planning authority. Details shall demonstrate a minimum of 2 secure and dry cycle parking spaces to be provided to the front of each dwelling hereby approved. The cycle storage areas must not impede access to the bin storage area. No dwelling hereby approved shall be occupied until the approved cycle parking spaces have been provided and made available for use in accordance with the approved details. The development shall thereafter be retained in accordance with the approved details.
- 9) No development above damp proof course level shall take place until a scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location) and details of the management and maintenance of the landscaping for a period of five years has been submitted to, and approved in writing by the local planning authority. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved soft landscaping scheme and shall thereafter be retained in accordance with the approved details.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

- 10) No development above damp proof course level shall take place until a scheme of hard landscaping has been submitted to, and approved in writing by the local planning authority. No dwelling hereby approved shall be occupied until the approved details have been implemented. The

development shall thereafter be retained in accordance with the approved details.

- 11) No development above damp proof course level shall take place until details of the removal of the existing vehicular crossover and reinstatement of the footway on the Cantwell Road frontage have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby approved shall be occupied until the crossover is removed and the footway reinstated in accordance with the approved details. The development shall thereafter be retained in accordance with the approved details.
- 12) No dwelling hereby approved shall be occupied until details of the respective boilers have been submitted to and approved in writing by the Local Planning Authority. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%). The development shall be carried out and thereafter retained in accordance with the approved details.
- 13) The development hereby approved shall be designed and built to achieve a water consumption rate of no more than 105 litres/person/day. All required water conservation measures installed to achieve this rate shall be retained/upgraded to ensure the required water consumption rate is not exceeded for the lifetime of the development.