

Appeal Decision

Site Visit made on 10 August 2021

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2021

Appeal Ref: APP/E5330/W/20/3256436

25 Willenhall Road, Woolwich SE18 6TY

- 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 Hung Nguyen against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 19/3848/F, dated 22 October 2019, was refused by notice dated 24 January 2020.
 - The development proposed is the conversion of a terrace house into 2 flats with shared access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is some confusion as to whether the existing raised terrace area to the rear of the property forms part of the proposed development. The appellant has confirmed that the existing raised terrace area is shown on the proposed drawing¹ and therefore forms part of the proposed development. Notwithstanding the limited illustrative details over this element of the proposal, a raised platform is also shown on the proposed elevation plans². I observed during my visit that the terrace area has been erected along with some balustrading that is not shown on the accompanying plans, I have therefore proceeded on the basis that the development has, in part, already occurred.

Main Issues

3. The main issues are the effect of the development on:
 - housing choice, with regard to the provision of family dwellings; and,
 - the living conditions of neighbouring residents, with particular regard to privacy and outlook.

Reasons

Housing choice and family dwellings

4. The appeal property is a two storey, mid-terrace dwelling with four bedrooms. It is located on the northern side of Willenhall Road where the surrounding area is characterised by other residential uses.

¹ Drawing No. 1123-PL-112

² Drawing No. 1123-PL-113

5. Policy H(b) of the Royal Greenwich Local Plan Core Strategy with Detailed Policies (adopted July 2014) (the RGLP) states that in order to protect small and medium sized family dwellings and the local environment, the sub division of residential properties will not be permitted where, in the case of terrace housing, the original premises has a net floor area less than 130sqm. It goes on to state other criteria that must also be met, including acceptable highways and parking arrangements, design considerations, etc.
6. The appellant does not dispute that the existing property has an internal floor area of 103sqm, and they acknowledge that this is below the requirements detailed in Policy H(b) of the RGLP. Accordingly, the proposal is in direct conflict with Policy H(b) of the RGLP and therefore the conversion of the property would undermine the Council's efforts to maintain housing choice in the area by protecting the existing stock of small and medium family homes.
7. To support their case, the appellant argues that the appeal property is the only property in its immediate vicinity that has not been converted into flats. However, should that be the case, this assertion only amplifies the need to protect the property as a family home in order to avoid an over-concentration of flats in the area and maintain a mix of dwelling types and sizes.
8. I acknowledge that the proposal would exceed the minimum space requirements as set out in the Technical Housing Standards³, but this would not outweigh the loss of a family dwelling and the subsequent conflict with the development plan. Furthermore, I see no reason why the hillside location of the appeal site should preclude it from providing family accommodation.
9. Accordingly, I conclude that the development would result in the harmful loss of a family home and therefore it would reduce housing choice in the area. In doing so, the proposal would not comply with Policy H(b) of the RGLP and Policy 3.8 of The London Plan 2016 (the LP) which together seek to ensure genuine housing choice and the protection of small and medium sized family dwellings.

Living conditions of neighbouring residents

10. Prior to the construction of the raised terrace area, the existing timber boundary fence would have limited any potential overlooking of the neighbouring rear private outdoor areas at No.'s 24 and 23 Willenhall Road, providing those neighbouring residents with a good level of privacy.
11. The raised terrace that would serve the first floor flat has resulted in an elevated vantage point from which I was able to see all of the rear private outdoor area at No.24 and a substantial part of the rear private outdoor area at No.23. Consequently, I find the degree of overlooking from this raised terrace area to be intrusive and results in an unacceptable loss of privacy to these neighbouring residents, to the detriment of their living conditions.
12. Given its height and positioning along the shared boundary, the raised terrace is also an obtrusive and overbearing feature that harmfully dominates the outlook from these neighbouring outdoor areas. Again, to the detriment of the living conditions of these neighbouring residents.
13. Consequently, I have found that the development would have a significant harmful effect on the living conditions of neighbouring residents, with particular

³ Technical housing standards – nationally described space standard, March 2015, Department for Communities and Local Government

regard to their privacy and outlook. Therefore, the proposal would conflict with Policies DH1, DH(a) and DH(b) of the RGLP and Policies 7.4 and 7.6 of the LP which together, amongst other things, require development to be of a high standard of design that does not result in an unacceptable loss of amenity to adjacent occupiers.

Conclusion

14. I have found the proposal to be contrary to the policies of the development plan and no considerations of sufficient weight have been put forward to outweigh this conflict.
15. Therefore, for the reasons given, the appeal is dismissed.

J M Tweddle

INSPECTOR