



Appeal Decision

Site visit made on 21 September 2021

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2021

Appeal Ref: APP/E5330/W/21/3269946

Land rear of 67 & 67A Eglinton Hill, London, SE18 3NT

- 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 C Jain (CM International) against the decision of the Council of The Royal Borough of Greenwich.
 - The application 20/1518/F, dated 29 May 2020, was refused by notice dated 9 December 2020.
 - The development proposed is the erection of a three bedroom 5 person dwelling, and associated access and boundary proposals.
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Preliminary matters

1. I have used the address of the appeal site as given on the Decision Notice and the appeal form as that describes the location of the site more accurately than that given on the application form.

Decision

2. The appeal is allowed and planning permission is granted for the erection of a three bedroom 5 person dwelling, and associated access and boundary proposals at land rear of 67 & 67A Eglinton Hill, London, SE18 3NT in accordance with the terms of the application Ref 20/1518/F, dated 29 May 2020, subject to the conditions set out in the attached schedule.

Main issue

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

Reasons

Character and appearance

4. The appeal site is an area of land that lies to the east of properties fronting Eglinton Hill and north of the flats of Highview, Mayplace Lane. It appears from what I have read and seen that the site was once the garden to the 67 and 67A Eglinton Hill properties. However it is also clear to me from that evidence any link to those properties ceased many years ago and the land is not a garden area. The site is largely clear, and I concur with the appellants that it is an area of underutilized land within the urban area where Section 11 of the National Planning Policy Framework seeks to promote the effective use of land for homes and other uses.
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5. The character of the area is mixed. The flats at Highview are a simple rectangular brick building with regular fenestration. To the west there is variety in the rear of the Eglinton Hill properties, including the large rear projection at Nos. 67 & 67A. To the north and east are gardens and garages, with semi-detached houses of Brinklow Crescent visible on the hill to the east.
6. Within this varied area the proposed design would fit well. The dwelling has been designed with an upper ground and lower ground floor, along with a basement area, that responds to the slope of the site and adjoining land. The maximum height of the building is modest, considering the very much taller and deeper building of 67 & 67A Eglinton Hill and the large Highview to the south (which also sits on higher land). The scale, form and use of materials would not dominate the area and in my view enhance the appearance of a vacant and unused area of land.
7. The positioning of the building takes account of the existing protected trees on site, with no objection raised by the Council's tree officer, subject to suitable conditions. This means there would be an appropriate transition of built development between the more intensively built up land that adjoins the site and the less-developed garden areas.
8. I note the appeal site has been the subject of previous proposals, including dismissed appeals. The provision of a single house on this plot would represent a relatively low density of development which, in the context of the surrounding area, is suitable and not harmful to the spatial character; it would achieve that suitable balance between making the effective use of land for homes and ensuring the appearance of the site remains a break in the wider more intense built-up area.
9. On the main issue it is therefore concluded that the proposal would not be harmful to the character and appearance of the area. It would thus be consistent with the relevant policies of the development plan that, amongst other matters, seek to ensure development are appropriate to the character of the area, namely Policies D3, D4 and D6 of the London Plan (2021), and Policies DH1, H5 and H(c) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014).

Other considerations

10. Due to the change in levels to adjoining land, and the set-back of the ground floor elements of the proposal from the boundaries of the site, there would not be any overbearing effect on the outlook from adjoining properties. For similar reasons this also ensures no loss of light to neighboring residents. The positioning of windows in the new house would be distant enough to ensure no overlooking to neighbors.
11. A Preliminary Ecological Appraisal Survey did not find any evidence of bat roosting on the site, though bats may forage over the site. There was found to be scrub and other vegetation that may provide habitat value for hedgehogs and birds, but the Survey set out suitable mitigation or enhancement measures with regards to these matters; the overall findings of the Survey are there is not any hindrance to development on the site. Although the Survey was undertaken outside the main survey season this was addressed with the comment that, due to the nature of the site, this did not affect the findings. The Council did not raise any objection on this matter and, in the absence of

any specific technical evidence to the contrary and having seen the site which is largely cleared, it is my judgement there is no objection on ecological grounds.

12. Parking and servicing to the Council's required standards is to be provided within the scheme, which is in a location away from neighboring residents and accessed via Mayplace Lane. No objection was raised to this matter from the Highways Authority and, from my observations on site, I am satisfied that this access and provision would be acceptable.

Conclusions and conditions

13. For the reasons given the appeal is therefore allowed.
14. The Council have suggested a number of conditions in the event of the appeal being allowed, to which the appellant has raised no objection. I have attached conditions relating to submission of materials and landscaping of the site, to ensure a satisfactory appearance to the development. Conditions ensuring adherence to the submitted arboricultural report and the Ecological Appraisal are necessary to protect retained trees and secure the implementation of mitigation and enhancement works.
15. Conditions securing vehicle and cycle parking are necessary to ensure adequate long term provision, in the interests of highway safety. For a similar reason, conditions are also necessary to provide the necessary access and details of the gates to that access, and for the provision of waste storage facilities.
16. A number of conditions are suggested relating to energy efficiency, air quality, water efficiency and drainage. These conditions are pursuant to policies in the London Plan and the development plan and hence I consider necessary and relevant. Similarly, a condition relating to accessibility for the dwelling is consistent with the London Plan, and so is necessary.
17. I have noted that the proposed dwelling has been sensitively designed for its plot and the relationship with adjoining properties, and hence in this instance I consider it reasonable to withdraw permitted development rights as sought by the Council in order to ensure the character and appearance of the area is retained.
18. A detailed condition is proposed regarding construction management. In this instance I consider that is necessary and reasonable to ensure no harm to residential amenity or highway safety, given the location of the site close to residential properties, the access via Mayplace Lane, and the amount of excavation likely to be undertaken on the land.
19. Finally, I have attached a condition specifying the approved plans in the interest of precision.

C J Leigh

INSPECTOR

Appeal APP/E5330/W/21/3269946: 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 and documents: 030_500_N_01; 030_200_N_41; 030_200_N_01; 030_100_A_B01 rev C; 30_100_A_B02 rev B; 030_200_A_B01 rev B; 030_200_A_B41; 030_100_A_B41 rev B; 030_100_A_B42; Arboricultural Impact Assessment ref: 200415_1.1_67EH_AIA_TCP_TPP dated 15th April 2020; Basement Impact Assessment dated May 2020; Daylight and Sunlight Assessment (Within Development) dated 4th May 2020; Preliminary Ecological Appraisal Survey; Appendix J: Email exchanges with RBG Waste Services (Refuse Strategy); Title Plan; Design and Access Statement dated May 2020.
- 3) Prior to the commencement of the development hereby approved, including site clearance works, a Construction Logistics Plan (CLP) and a Construction Management Plan (CMP) shall be submitted, to and approved in writing by, the Local Planning Authority, in consultation with Transport for London, to minimise impacts to the local highway network and to control noise, vibration and air pollutants generated as a result of the construction process. These documents shall be prepared in accordance with the London Freight Plan, 'The control of dust and emissions from construction and demolition' Supplementary Planning Guidance, the council's Construction Site Noise Code of Practice, BRE Pollution Control Guides 'Controlling particles and noise pollution from construction sites' and 'Controlling particles, vapour and noise pollution from construction sites'. The CLP and CMP shall include details of (but shall not be limited to):
 - loading and unloading of plant and materials;
 - storage of plant and materials;
 - programme of works;
 - measures for traffic management and encouragement of sustainable modes of transport for workers;
 - details of a vehicle booking system
 - provision of boundary hoarding and visibility zones of construction traffic routing;
 - hours of operation;
 - means to prevent deposition of mud on the highway;
 - likely noise levels to be generated from plant and construction works;
 - a dust risk assessment;
 - means to monitor and control dust, noise and vibrations;
 - haulage routes;
 - a 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;
 - bonfire policy; and
 - confirmation that a mobile crusher will/won't be used on site and if so, a copy of the permit and intended dates of operation.

- Confirmation that a photograph survey of the footpath and carriageway will be undertaken before works commence on site and made available to the Council upon request, and once works on site are complete any damage to the footpath or carriageway will be rectified.

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

- 4) Prior to above ground works for the development hereby approved, full physical samples and details of all facing materials and finishes, including windows, to be used on the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority and the scheme shall thereafter be implemented in accordance with the approved materials.
- 5) Prior to the commencement of above ground works for the development hereby approved, full details of the design and operation of the new vehicle entrance gates providing access to the site via Mayplace Lane shall be submitted to and approved in writing by the local planning authority. The development shall be fully implemented in accordance with the approved details and shall be retained in perpetuity.
- 6) a) Prior to the first occupation of the development hereby approved, a Landscaping Strategy for all the hard and soft landscaping of any part of the site not occupied by buildings shall be submitted to and approved in writing by the local planning authority. Details shall include:
 - i Permeability of all hard surfaces
 - ii Materials
 - iii Shrub and tree planting, including details of species and size
 - iv Screening for the private residential gardens

b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

c) All planting, seeding or turfing comprised in the landscaping scheme under part (a) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development. Any trees or plants which within a period of 5 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.
- 7) Prior to the first occupation of the development hereby approved, a completed Water Efficiency Calculator for New Dwellings must be submitted to the Local Planning Authority and approved in writing to show that internal potable water consumption for each of the dwellings will be limited to 105 litres per person per day (l/p/d) based on the Government's national calculation method for water efficiency for the purpose of the Building Regulations. The Water Efficiency Calculator shall be accompanied by details of the location and type of all appliances or fittings that use water, the capacity or flow rate of any equipment and any rainwater or greywater collection systems incorporated as part of the development. The approved details shall be implemented prior to the first

occupation of any part of the development hereby approved and thereafter permanently maintained as such.

- 8) Prior to the commencement of the development hereby approved detailed drawings demonstrating that the approved dwelling shall comply with Building Regulation requirement M4(2) 'accessible and adaptable dwellings', shall be submitted to and approved in writing by the local planning authority. The development shall be fully implemented in accordance with the approved details and compliance with M4(2) shall be maintained for the lifetime of the development.
- 9) The boilers to be used in the development hereby approved shall have dry NOx emissions not exceeding 40 mg/kWh (0%) and shall be installed prior to the first occupation of the development and shall be retained for the lifetime of the development.
- 10) A minimum of 2 secure and dry cycle parking spaces shall be provided within the development hereby approved as indicated on drawing Ref: 030_200_A_B01 rev B. All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.
- 11) All refuse and recycling facilities for the development hereby approved, as illustrated on drawing Ref: 030_200_A_B01 rev B and detailed in the approved Appendix J: Refuse Strategy, shall be made available for use prior to the first occupation of the development and shall be maintained for the lifetime of the development.
- 12) Prior to the first occupation of the development hereby approved, a vehicular crossover providing access to the parking spaces in front of the approved dwelling from Mayplace Lane shall be fully constructed in consultation and cooperation with the Royal Borough of Greenwich Highways Department at the applicant's expense. The approved vehicle access gates shall not open outwards over the highway.
- 13) No enlargement or other alteration falling within Classes A, B, C, D and E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modifications) to the new dwellinghouse hereby permitted shall be carried out without the prior written permission of the Local Planning Authority.
- 14) During construction works of the development hereby approved the proposed tree protection measures as set out in the approved Arboricultural Impact Assessment ref: 200415_1.1_67EH_AIA_TCP_TPP dated 15th April 2020, shall be carried out in accordance with British Standards 5837:2012 (Trees in relation to design, demolition and construction – Recommendations).
- 15) The development shall be fully implemented in accordance with the recommendations of the approved Preliminary Ecological Appraisal Survey.

- 16) The basement hereby approved, shall be constructed in accordance with all of the recommendation in the approved Basement Impact Assessment dated May 2020, unless prior written agreement is obtained from the Local Planning Authority.
- 17) Prior to any above ground works, of the development, a surface water drainage scheme for the site based on sustainable drainage principles shall be submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves a greenfield runoff rate. The development shall be carried out and retained for the lifetime of the development in accordance the approved details.