



Appeal Decision

Site Visit made on 21 September 2021

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2021

Appeal Ref: APP/E5330/D/21/3275883

68 Ashburnham Place, Greenwich SE10 8UG

- 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 Matt Holland against the decision of Royal Borough of Greenwich.
 - The application Ref 21/0454/HD, dated 4 February 2021, was refused by notice dated 31 March 2021.
 - The development proposed is described as erection of side infill extension incorporating glazed roof/ incorporating light well/ removal of rear parapet wall and installation of iron balustrade /removal of the chimney at 68 Ashburnham Place SE10 8UG.
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Decision

1. The appeal is dismissed insofar as it relates to the removal of the chimney and installation of windows to first floor rear.
2. The appeal is allowed insofar as it relates to construction of single storey rear infill extension; removal of parapet rear wall; installation of balustrade to first floor rear roof; removal of window to second floor rear; removal of windows to side elevation; replacement of render to stone lintel; installation of double glazed folding doors to ground floor rear and other external alterations at 68 Ashburnham Place, Greenwich SE10 8UG in accordance with the terms of the application Ref 21/0454/HD, dated 4 February 2021 and subject to the following 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: site location plan; drawing number 201 insofar as it relates to the development that is permitted. For the avoidance of doubt the removal of the chimney and installation of windows in the first floor rear elevation shown on this drawing are not part of the development that has been permitted.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

3. The Council's description of development is more detailed than that used by the appellant as set out above, making reference to, amongst other matters, the proposed window in the rear elevation. Given the nature of the proposal, I

consider that this description is more accurate and accordingly I shall use it also.

4. The appellant has requested that I consider a drawing that was not before the Council when it took its decision. This drawing shows the first floor window on the rear elevation redesigned 'to match existing windows' and retain the rear chimney. Whilst the retention of the chimney would address the concerns raised by the Council this drawing appears to change the design of the majority of the windows within the property. Having regard to the principles established in the courts by Wheatcroft, I find that my consideration of this drawing would prejudice those who should have been given the opportunity to be consulted of the change. Accordingly, I have assessed the proposal on the basis of the drawings considered by the Council.
5. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework and I am satisfied that no party would be disadvantaged by my reference to the revised Framework.

Main Issues

6. The main issues are the effect of the proposal on:
 - the character and appearance of the host property and the area, including the Ashburnham Triangle Conservation Area (CA), and
 - the living conditions of the occupiers of No 67 Ashburnham Place with particular regard to outlook, daylight and sunlight.

Reasons

Character and Appearance

7. The host property is a three storey end of terrace dwelling with a rear outrigger located within the Ashburnham Triangle CA. The CA derives its significance from its residential character comprised of Georgian and mid-Victorian terraced and semi-detached dwellings constructed of yellow London Stocks under slate roofs with a uniformity of design. Within the Ashburnham Triangle Conservation Area: Character Appraisal (CA Character Appraisal), Ashburnham Place is identified as having a residential land use with the street dating back to the 16th century, with buildings along it displaying original architectural details including doors, stucco and stone window and door surrounds which contribute to local distinctiveness. The host dwelling, although not listed makes a positive contribution to the character and appearance of the area.
8. The side infill extension would involve the removal of the ground floor bay window and fenestration and doorway on the outrigger's side elevation and would partly obscure the ground floor window in the property's rear elevation. This would affect the legibility of the original design of the dwelling to a degree, however the effect would be limited given the scale of the proposed side extension and its largely lightweight design which would ensure that the proposal would be subservient to the host property, such that its overall character and appearance would not be harmfully eroded. Furthermore, the removal of the wall around the existing patio and its replacement with railings, removal of windows in the upper floors of the outrigger and other external

alterations, including the replacement of render to the stone lintel would respect the appearance of the dwelling, a matter that is not disputed by the Council.

9. Having regard to these matters, these parts of the proposal respect the character and appearance of the host property and the area. They preserve the character and appearance of the Ashburnham Triangle Conservation Area. Accordingly, I conclude that there is no conflict with Policy DH(a) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (CS) which requires that extensions are appropriate to the building and locality, the character and appearance of the conservation area objectives of CS Policies DH3, DH(h) and The London Plan Policy HC1, and the high quality design objectives of CS Policy DH1 and The London Plan Policy D3. Furthermore, these parts of the proposal comply with the aims of the Council's Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document (SPD) in that they do not cause harm to the character of the house or local area.
10. However, the rear elevation of the outrigger has no openings within it, other than a small opening within an attached store. Although the proposed window in the rear of the outrigger would be largely read in the context of the ground floor folding doors, it would as a result of its size and markedly different design to the sash windows installed in the property, be an intrusive and alien addition which would be harmful to the dwelling's character and appearance. Moreover, the removal of the chimney on the rear elevation would harmfully erode the legibility of the dwelling. In this regard I note the appellant's willingness to amend the proposal in respect of these matters, however for the reasons set out above I am unable to consider the revised drawing submitted with the appeal.
11. Given my findings above it follows that the harm that would be caused to the character and appearance of the host property would erode the contribution the altered dwelling makes to the character and appearance of the area and the Ashburnham Triangle CA. These aspects of the proposal would therefore result in harm to the character and appearance of the area and would neither preserve or enhance the character or appearance of the CA.
12. Although the rear elevation of the buildings within the road are not specifically identified as of significance within the CA Character Appraisal, this does not mean that they are not of significance because the buildings need to be viewed as whole. It is noteworthy that there is an Article 4 Direction within the area which controls, amongst other matters, window replacement and the removal of a chimney stack, which indicates the importance the Council places on such features in the locality.
13. Given the limited visibility of the rear outrigger and the chimney the harm that would be caused to the significance of the CA as a designated heritage asset would be less than substantial. Paragraph 202 of the Framework requires that in such circumstances the harm to the designated heritage asset should be weighed against the public benefits of the proposal. In this regard the benefits advanced by the appellant are private, not public benefits. Accordingly, there are no public benefits which outweigh the harm to the significance of the CA as a designated heritage asset, a matter which I give great weight.
14. Given the above I conclude that the window in the rear of the outrigger and the removal of the chimney would be harmful to the character and appearance of

the host property and the area, and the significance of the CA as a designated heritage asset. Accordingly, there would be conflict with the preservation or enhancement of the character or appearance of conservation area objectives of CS Policies DH3, DH(h) and The London Plan Policy HC1, the high-quality design objectives of CS Policy DH1 and The London Plan Policy D3. There is also conflict with the conserving and enhancing of the historic environment aims of the Framework and the statutory test contained within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. There would also be conflict with the SPD in that harm would be caused to the character of the house and local area.

Living Conditions

15. The Council's concern in respect of the proposal's effect on the living conditions of the occupiers of No 67 relates to the impact of the proposed side extension and thus given this, I have focussed my consideration on this aspect of the proposal.
16. The proposed extension would be constructed on the party boundary with No 67 Ashburnham Place, which has windows and doors on its side elevation at ground, first and second floor level which face towards the appeal site. This property also has doors and windows on its rear elevation from where the proposed extension would be seen. The outlook from the side windows of No 67 is largely of the tall boundary wall between the respective properties and the side elevation of the rear outrigger serving the appeal property. From its rear windows, the outlook is across the patio area into the rear garden.
17. Although the new extension would be visible from the windows and doors within No 67, I find that that its modest height and design would ensure that it would not have an unneighbourly sense of enclosure or be overbearing or intrusive in the outlook from these features.
18. The new extension would be located to the west of No 67. Given its single storey nature, height and design it would be unlikely to cast shadow or result in a loss of light to the rear/side of No 67 over and above the existing situation, caused by the rear outrigger.
19. Accordingly, and in the absence of substantive evidence to demonstrate otherwise, the new extension's presence would be unlikely to make the living conditions of the occupiers of No 67 any less pleasant than that which currently exists. I find therefore that there would be no conflict with CS Policy DH(b) which seeks to ensure that development does not cause an unacceptable loss of amenity to adjacent occupiers. Furthermore, there would be no conflict with the amenity aims of the SPD.

Conclusion

20. For the reasons set out above and having had regard to all other matters, I find that the proposed development that I have found to be in compliance with development plan is severable from the proposed development that conflicts with the development plan. I shall therefore issue a split decision granting permission for the former but dismissing the latter.

Conditions

21. To ensure that the development is carried out as approved a condition relating to the approved drawings is necessary, and to protect the character and appearance of the area a condition controlling external materials is necessary.

RC Kirby

INSPECTOR