



Appeal Decision

Site Visit made on 11 October 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

Appeal Ref: APP/E5330/W/21/3270471
65 Nickelby Close, Thamesmead SE28 8LY

- 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 Ms Prudence Z Diedericks against the decision of Royal Borough of Greenwich.
 - The application Ref 20/3596/F, dated 14 November 2020, was refused by notice dated 25 January 2021.
 - The development proposed is change of use of the property from C3 dwelling house to residential care (Class C2) with the construction of a single storey front extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's third refusal reason refers to significant errors and discrepancies in the front extension's width and positioning, which had prevented them from determining the proposal in accordance with the development plan. Nevertheless, the Council registered the application and proceeded to assess the extension's effect against its adopted policies. I also note that the discrepancies between floor and elevation drawings amount to no more than 0.3m. To my mind this is minor and does not fundamentally alter the scale, design, and general positioning of the proposal, such that it would prevent me from assessing it. On this basis I have determined the proposal, in the same way as the Council, on the drawings submitted.
3. The description of development I have used in the banner heading has been taken from the appeal form and the Council's refusal notice. Whilst I note that the appellant did not agree to the description of development being changed at the application stage, the one I have used above more accurately describes the position of the proposal which is on the host dwelling's primary frontage facing the highway.
4. Between the determination of the planning application and the appeal coming before me, the new London Plan¹ and a revised Framework² were published. The Council has subsequently indicated which policies of the new Plan are relevant to this appeal. The views of the appellant have been sought on these and I have had regard to their comments in my findings. Similarly, both main parties have had an opportunity to comment on the revised Framework.

¹ The London Plan 2021

² National Planning Policy Framework (2021)

Main Issues

5. The main issues in this appeal are the effect of the proposed development on the character and appearance of the surrounding area; and whether it would be at risk of flooding.

Reasons

Character and Appearance

6. Nickleby Close comprises a planned residential estate of largely terrace dwellings arranged in short links around a central spine road and off private drives. A considered approach has been used in the estate's design with primary facades of dwellings incorporating, small canopies over entrances, storm porches, modest roof extensions and bay windows. These have a unifying appearance in terms of their design and scale and this consistency in the level of architectural detailing on the estate has an attractive appearance that contributes positively to the area's character.
7. The proposed extension would extend across a large proportion of the dwelling's frontage. This combined with its bulky profile and flat roof would be at odds with the more subtle uniformity and size of the existing porches, canopies and bay windows that define neighbouring frontages. Moreover, the removal of the existing bay window, which forms part of the estate's wider architectural typology would unacceptably erode the architectural detailing of the wider estate. The proposal would therefore be an obtrusive and incongruous feature on the building and within the wider street-scene.
8. The appellant contends that the proposal would have a recessed siting that would give it a discreet appearance in the street. However, it would be set back a short distance from the road and would be clearly visible from Nickleby Close through gaps in the roadside boundary. Therefore, from public vantage points it would appear as a prominent and discordant addition in the context of the estate's prevailing character.
9. The proposal would therefore harm the character and appearance of the surrounding area and would conflict with Policies D3 and D6 of the London Plan (2021) and Policies DH1 and DH(a) of the Local Plan³ where they require proposals to be of high-quality design that takes into account the character of the surroundings and the architectural form and detailing of the area. It would also fail to meet the guidance in the Council's Supplementary Planning Document⁴ relating to the scale of front extensions.

Flood Risk

10. The appeal site is located within Flood Zone 3 which is an area with a high probability of flooding as defined by the national Planning Practice Guidance (PPG). The Framework requires that all proposals within that designation are accompanied by a flood risk assessment (FRA) (footnote 55). Notwithstanding this, an FRA was not submitted with the application.
11. The appellant indicates that a condition could have been applied by the Council in the event that it approved the application. I have considered this course of action in this appeal, were I to allow the scheme. However, if I were to do so

³ Royal Greenwich Local Plan: Core Strategy and Detailed Policies (2014) (Local Plan)

⁴ Residential Extensions, Basements and Conversions, Supplementary Planning Document (December 2018) (SPD)

there would be no way of knowing what the findings of the FRA would be and whether they would place unreasonable restrictions upon the developer. A condition therefore would not meet the tests set out in the PPG.

12. Other minor schemes, approved by the Council in the locality, have been referred to, and according to the appellant were not accompanied by FRAs. Yet, I have no specific details of those schemes or the policies that persisted at the time. Moreover, those schemes differ to the proposal which would involve a change of use of the dwelling. Accordingly, I am unable to draw any material comparisons between the appeal proposal and those schemes.
13. In the absence of information that assesses flood risk, the proposal's effect on flooding has not been demonstrated, and I can't be certain that it would not result in flood risk at the site and elsewhere. Consequently, it would be in conflict with Policy D11 of the London Plan (2021) and Policies E2 and E3 of the Local Plan, which in part, require proposals to comply with guidance in the Framework, consider all forms of flood risks in preparing flood risk assessments and to incorporate risk reduction measures. The proposal would also fail to accord with the Framework, in terms of taking full account of flood risk.

Conclusion

14. Taking the above reasons into account, the appeal is therefore dismissed.

RE Jones

INSPECTOR