



Appeal Decision

Site visit made on 13 December 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th January 2022

Appeal Ref: APP/E5330/W/21/3279499

Land to rear of 73 and 73A Greenvale Road, Eltham, London SE9 1PB

- 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 & Mrs Dobson against the decision of Royal Borough of Greenwich.
 - The application Ref 21/0832/F, dated 5 March 2021, was refused by notice dated 21 May 2021.
 - The development proposed is demolition of existing garage, removal of existing vehicle access and drop kerb, construction of new 2 bedroom dwelling house across ground floor and basement levels fronting Grangehill Road.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage, removal of existing vehicle access and drop kerb, construction of new 2 bedroom dwelling house across ground floor and basement levels fronting Grangehill Road at Land to rear of 73 and 73A Greenvale Road, Eltham, London SE9 1PB in accordance with the terms of the application, Ref 21/0832/F, dated 5 March 2021, subject to the conditions set out at the end of this decision.

Preliminary Matter

2. The Council has confirmed that its Decision Notice contains a typographical error. This is due to Revision B of submitted plan 7574/001 being listed. Instead, Revision A of this plan was the only version submitted and ultimately determined by the Council. I shall consider the appeal on this basis.

Main Issue

3. Whether or not acceptable living conditions would be provided for future occupiers of the proposed development, having particular regard to the availability of outlook.

Reasons

4. The proposal involves the provision of a basement floor, which would be sited beneath the current ground level of the site. Two bedrooms are proposed at basement level, each of which would be served by glazed double doors (the glazed doors) opening on to a private courtyard (the courtyard). The glazed doors would be positioned/orientated such that outward views would be directed towards boundary walling to be sited to the respective opposite sides of the courtyard.

5. The height and proximity of the courtyard's eastern and northern enclosures would dictate that available outlook from each of the proposed bedrooms would be restricted. Nevertheless, a not insignificant extent of separation is intended (between the glazed doors and opposite boundary walling) across a private space to be finished/planted in accordance with the personal preferences of future occupiers. It is also relevant to factor in the nature of the living space to be provided at basement level. Whilst the bedrooms would constitute habitable rooms, a higher degree of sensitivity to restricted outlook would apply to internal areas more likely to be regularly used during daytime hours such as, for example, a living or dining room.
6. In this context, an acceptable standard of outlook would be provided from each bedroom, and from the proposed dwelling's internal and external areas when considered as a whole. Indeed, the courtyard's perimeter walling, despite its notable height relative to basement floor level, would not be experienced as unduly overbearing or visually oppressive by future occupiers of the dwelling.
7. For the above reasons, having particular regard to the availability of outlook, acceptable living conditions would be provided for future occupiers of the proposed development. Moreover, when considering such factors as access to natural light and the extent of the internal and external spaces to be provided, I am satisfied that an appropriate standard of living would, in overall terms, be provided for future occupiers.
8. The scheme satisfactorily accords with Policy D6 of The London Plan 2021, Policies H5 and DH1 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (July 2014) and the Housing Supplementary Planning Guidance (March 2016) in so far as these policies and guidance require that housing development should be of high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose.

Other Matters

9. The local area is typically comprised of linear rows of traditionally designed terraced and semi-detached houses, which form part of one of London's Corbett Estates. Properties tend to be set towards the front of their plots, and to be served by rear garden spaces of often considerable and consistent lengths. Whilst these rear garden spaces commonly contain single storey outbuildings of differing sizes and specifications, a formal and somewhat spacious residential character and appearance is identifiable local to the site.
10. The proposed dwelling would front Grangehill Road, which is a route often addressed by side elevations and a range of boundary treatments. It would be of unashamedly modern appearance, incorporating an asymmetrical pitched roof, standing-seam zinc cladding and sizeable expanses of glass. Notwithstanding the typical traditional style of buildings locally, the National Planning Policy Framework (July 2021) (the Framework) indicates that appropriate innovation or change should not be prevented or discouraged. In this instance, the new dwelling would occupy a modest footprint and be setback slightly from the highway. It would also be part-subterranean, such that it would appear as low-level when experienced from the public realm. These factors would temper the dwelling's visual prominence and promote that it integrates successfully with its surroundings.

11. The scheme involves the creation of an individual plot of smaller size than can typically be observed locally. Even so, efforts have been made to limit the extent of plot coverage whilst not insignificant separation distances would be achieved between the proposed dwelling and its closest properties. Thus, notwithstanding the consequent reduction in private garden space to serve No 73A, I find that an unduly cramped form of development would be avoided. I am also satisfied that intended walling, where to abut or be set in proximity to Grangehill Road, would not appear as excessively high in the streetscene. All matters considered, even when acknowledging the apparent absence of basement floors nearby, the scheme would not cause material harm to the character or appearance of the area.
12. I have noted concerns raised by interested parties with respect to the positioning of a proposed rear courtyard and the potential for associated noise and light pollution to occur. However, this courtyard would not offer the potential to accommodate large gatherings and would be used in a residential capacity alongside neighbouring garden spaces. It would also be set at ground level and be enclosed by perimeter fencing (as illustrated upon the submitted plans and documents). There is no clear reason to consider that unacceptable noise or light pollution would arise.
13. Furthermore, even when noting the extent of glazing that is proposed, I am satisfied that neighbouring standards of privacy would not be unduly affected by the development. Neither would the availability of natural light or outlook for neighbouring occupiers be unacceptably impacted upon. This is particularly when noting the relatively limited scale and height of the development proposed, the typical long length of neighbouring garden spaces and the generous separation distances to nearby buildings that would generally be achieved.
14. It has been brought to my attention that unprotected planting has, in recent times, been removed from the site. Nevertheless, despite the excavation works that would be required, the scheme would not be anticipated to lead to any further substantive removals. Indeed, due to the garage demolition that is proposed, built development would effectively be pulled back from the site's western boundary where remaining trees are intended to be safeguarded and retained (as confirmed in the submitted Design and Access Statement).
15. It has been suggested by an interested party that the basement excavations could cause issues with respect to matters including structural instability, ground subsidence and drainage, and the absence of a Basement Impact Assessment (BIA) has been highlighted. However, given that the proposed basement excavations would cover a modest area and be set away from the footprints of neighbouring dwellings, there is no clear reason to anticipate that adverse impacts would arise. I note that the Council did not refuse planning permission due to the absence of a BIA, and that the scheme would separately be required to satisfy relevant Building Regulations.
16. It has been implied that the scheme would set a precedent for similar forms of development to come forward elsewhere in the local area. However, each development proposal must be considered upon its own individual merits based on the specific site and case circumstances to hand. Indeed, whilst it has also been brought to my attention that an existing extension to the rear of No 73a has not been built in full accordance with the relevant approved plans, my

considerations are focussed upon the proposed works contained within the site's red line area.

17. The proposal accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

18. The Council has suggested conditions that the appellants have had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes.
19. In the interests of certainty, a condition specifying the suite of approved plans and documents is required. In the interests of protecting the character and appearance of the area, a condition to secure full details of the external facing materials to be used is reasonable and necessary to impose. To promote the use of sustainable travel modes, a condition requiring the implementation and retention of cycle storage facilities is also reasonable and necessary.
20. In the interests of protecting the residential amenities of the area, a condition requiring the implementation and retention of waste storage provision is reasonable. For the same reason, as well as in the interests of highway safety and protecting the character and appearance of the area, the submission and implementation of a Construction Method Statement is also necessary to secure. Given the scale of development and the size of the site under consideration, and due to the limited associated risks even when acknowledging the close by presence of a primary school, I have not considered it necessary for the Construction Method Statement to include requirements related to dust suppression measures or wheel washing facilities. I have, however, inserted requirements for construction working hours and tree protection methodologies to be confirmed.
21. References have been made by interested parties to high parking demand in the local area. The proposal involves the loss of a garage and the addition of a residential unit not served by off-street parking. The site is situated in an accessible location close to local amenities and within a Controlled Parking Zone (CPZ) where, as requested by the Council's Highways Officer, a planning condition could be imposed (in the event the appeal be successful) to ensure that future occupiers would not be entitled to apply for parking permits.
22. Notwithstanding the availability of some unrestricted parking opportunities within the CPZ, I am satisfied that a condition requiring a written agreement to be submitted with the effect of removing future entitlements for permits would provide suitable assurances that undue additional demand for on-street parking would not be a consequence of the proposal. The Council has confirmed its intention to seek to amend the relevant Traffic Management Order should the appeal be successful and the scheme be implemented. This would apply in so far as the Order specifies properties eligible/ineligible to apply for permits. Whilst it has been requested that an informative note related to timings be added to any permission, such a note would not carry any legal weight.
23. In the interests of highway safety, a condition securing the reinstatement of an existing dropped kerb would be reasonable and necessary to impose. As would typically be the case with any condition requiring works to be undertaken, any

associated costs would be expected to be borne by the developer. For the avoidance of doubt, I do not consider that it would be reasonable to require the appellants to action/fund any associated amendments to the markings of carriageway parking bays. This is particularly due to a separate condition being imposed to restrict the future issuing of parking permits.

24. In the interests of ensuring an accessible dwelling in accordance with the requirements of Policy D7 of The London Plan 2021, a condition requiring adherence to Building Regulation requirement M4(2) is reasonable. In the interests of promoting water efficiency and/or of reducing carbon emissions, conditions are reasonable and necessary to secure the installations of water efficiency measures and a low-emission boiler. For similar reasons, and to promote the provision of adequate sustainable drainage infrastructure and biodiversity enhancement, a condition to secure full details of the planted roof to be installed (alongside future maintenance arrangements) is both reasonable and necessary.
25. The Framework sets out that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. However, most particularly due to the somewhat limited extent of external amenity/courtyard space to be provided and the proximity of the new dwelling to neighbouring garden areas, it is reasonable and necessary to withdraw permitted development rights with respect to extensions/alterations, roof additions and outbuildings. This would be in the interests of protecting the character and appearance of the area and the living conditions of neighbouring occupiers.

Conclusion

26. For the above reasons, the appeal is allowed and planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out strictly in accordance with the following approved plans and documents: 7574/001A; 7574/010B, Design and Access Statement (id architecture), Daylight and Sunlight Assessment to BRE 209 (January 2021).
- 3) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include (but not necessarily be limited to): a site plan identifying the locations of hard standing, any hoardings/barriers to be erected and stockpiled materials; confirmation of if a mobile crusher will be used on site and, if so, a copy of the permit and intended dates of operation; a bonfire policy; hours of operation; methodology for the protection of existing on-site trees. The construction process shall be carried out in full accordance with the approved details.
- 4) Prior to the commencement of works above ground level, full specification details, including photographic/brochure specifications, of all external facing materials and finishes to be used on the development hereby permitted (including where to enclose courtyard areas) shall be submitted to and approved in writing by the Local Planning Authority and the scheme shall thereafter be fully implemented and maintained in perpetuity in accordance with the approved details.
- 5) Prior to the commencement of works above ground level, drawings illustrating that the dwelling hereby permitted complies with Building Regulation requirement M4(2) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained for the lifetime of the development in accordance with the approved details.
- 6) Prior to the commencement of works above ground level, full details of the planted roof, as depicted upon approved plan 7574/010B, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the type of green roof, the substrate and vegetation to be used and a management and maintenance plan. Prior to the first occupation of the dwelling hereby permitted, evidence that the roof has been installed in full accordance with the approved details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the planted roof shall be retained for the lifetime of the development in accordance with the approved details.
- 7) Prior to the first occupation of the development hereby permitted, secure and dry cycle parking facilities for a minimum of two cycles shall be provided in accordance with the relevant location depicted upon approved plan 7574/010B. The cycle parking facilities shall be maintained thereafter and kept available for use for the lifetime of the development.
- 8) Prior to the first occupation of the development hereby permitted, waste and recycling facilities shall be provided in accordance with the relevant location depicted upon approved plan 7574/010B. The waste and recycling facilities shall be maintained thereafter and kept available for use for the lifetime of the development.

- 9) Prior to the first occupation of the dwelling hereby permitted, a written agreement shall be submitted to and approved in writing by the Local Planning Authority to ensure that all future residential occupiers of the dwelling hereby permitted cannot apply for or obtain an on-street residents parking permit to park a vehicle on the surrounding public highway. This written agreement shall be implemented prior to the first occupation of the dwelling hereby permitted and adhered to at all times thereafter.
- 10) Prior to the first occupation of the dwelling hereby permitted, the existing vehicular crossover access with Grangehill Road shall be removed and reinstated with footway and kerbing (to match either side of the access) in accordance with details to have first been submitted to and approved in writing by the Local Planning Authority.
- 11) The dwelling hereby permitted shall be constructed to achieve a reduction in potable water demand to a maximum of 105 litres per person per day, based on the Government's national calculation method for water efficiency for the purposes of the Building Regulations.
- 12) Any boiler to be installed shall have dry NOx emissions not exceeding 40 mg/kWh.
- 13) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking, re-enacting that Order with or without modification, no extensions, alterations, roof additions or outbuildings shall be provided within the curtilage of the dwellinghouse without the specific grant of planning permission by the Local Planning Authority.