



Appeal Decision

Site visit made on 4 January 2022

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 27 January 2022

Appeal Ref: APP/E5330/D/21/3277471

19 Birbetts Road, Eltham, SE9 3NG

- 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 Ashim & Rupa Bhaugeerutty against the decision of Royal Borough of Greenwich.
 - The application Ref 21/0560/HD, dated 14 February 2021, was refused by notice dated 13 April 2021.
 - The development proposed is described as 'demolition of existing conservatory and existing rear extension and construction of a first floor side, single storey rear extensions, raised decking and associated works'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In support of the appeal the appellants have submitted drawings numbered 1782-P05B and 1782-P04C. It is not clear that these drawings formed part of the application, or that interested people's views have been sought upon them. I therefore cannot be satisfied that no party would be prejudiced by my consideration of the revised drawings in the appeal. Consequently, I have determined the appeal on the basis of the scheme and the plans which were before the local planning authority when it made its decision, namely drawing numbers 1782-P01A; 1782-P02; 1782-P03; 1782-P04B; 1782-P05A; 1782-P06.

Main Issues

3. The main issues are the effect of the proposed development on:-
 - i) the character and appearance of the host dwelling and the surrounding area; and
 - ii) the living conditions of neighbouring occupiers with particular regard to outlook.

Reasons

Character and appearance

4. The appeal property is a semi-detached two storey dwelling located part way along Birbetts Road, a road typically characterised by pairs of semi-detached dwellings. Examples of sizeable two-storey side extensions are commonplace along Birbetts Road. Generally, these are not set back from the front elevation

and appear as a seamless continuation to their host dwelling. However, the inclusion of a considerably lower ridge line from that of the original roof results in these extensions being seen as a subservient addition to their host dwellings. Overall, the area retains a pleasant degree of uniformity.

5. As a pair of semi-detached houses, 19 and 21 Birbetts Road appear largely unaltered save for the addition of single storey extensions and a conservatory to their rear. Consequently, they retain a clear sense of balance and symmetry and as a result they contribute positively to the character and appearance of the streetscene.
6. Whilst the proposed extension would be marginally set back from the front elevation of the host dwelling, which would broadly accord with the requirements of the Royal Borough of Greenwich Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document (2018)(SPD), the proposed roof would lack a significant degree of set-down from the ridge line of the host dwelling. To my mind, it would appear as a continuance of the existing roof and introduce an unduly bulky and excessive addition which would fail to appear subservient to the host dwelling. As a result, the proposal would appear unduly dominant and incongruous to the appeal property and at odds with the streetscene. The use of a similar palette of materials to the existing dwelling would not overcome this harm.
7. The inclusion of a number of bay windows is a feature which is common in the vicinity of the appeal site and is a design feature which relates to the host dwelling. Similarly, albeit the rear extension would be sizeable, its single storey height and flat roof would, in my view, be a pleasant design which complements the design of the original house well and appears as a cohesive and subservient addition to the original dwelling.
8. Whilst I find no harm arising from the inclusion of bay windows and the single-storey rear extension, the two-storey side extension would fail to complement the form, style and scale of the appeal property and has an unbalancing effect on the pair of semi-detached dwellings. Thus, the proposal would have a significant adverse effect on the character and appearance of the host dwelling and the surrounding area.
9. I find that the proposal would conflict with Policy D3 of the London Plan (2021) and Policies DH1 and DH(a) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014). Among other things, these policies require high quality development that complements the character of the area and the appearance of the streetscape through design solutions which respect the scale, height, bulk and massing of the existing built form and for residential extensions to be limited to a scale appropriate to the host building. In addition, the proposal would be contrary to the SPD insofar as it requires side extensions to be sensitive to the original building and remain secondary in size and appearance.

Living conditions

10. There is an existing single storey conservatory type extension at the rear of the host dwelling. It is positioned almost upon the common boundary with the neighbouring dwelling and projects by some 4 metres to 5.2 metres, taking account of its irregular shape, from the rear elevation of the host dwelling. The existing outlook from the windows and patio of the neighbouring dwelling

(No 21) is presently limited by the substantial brick-built structure of the neighbouring conservatory.

11. Whilst the proposed extension would be positioned closer to, if not immediately adjoining the common boundary with No 21, its depth would largely replicate that of the existing conservatory. The proposed rear extension would include a height of some 3.5 metres, taking the Council's measurements which have not been disputed by the appellants. Although it is the Council's case that the proposed height would be excessive, there is little detailed information before me concerning the height of the existing building and based upon my observations at the time of the site visit, to my mind, it would not appear that there would be any significant increase in height from that of the existing building.
12. Taken together with the inclusion of a flat roof, I find that the proposed single-storey rear extension would not therefore have a significant enclosing effect on neighbouring occupiers. Overall, the appeal scheme would produce the same limited impact as the existing conservatory and thus I find there would not be an unduly harmful impact upon the living conditions of neighbouring occupiers at No 21 with particular regard to their outlook. Thus, the proposal would accord with CS Policy DH(b) insofar as this policy requires new development to demonstrate that there would be no significant loss of amenity to adjacent or nearby properties by compromising their outlook or creating an unneighbourly sense of enclosure.

Conclusion

13. No harm has been identified in regard to the living conditions of the occupants of neighbouring properties. However, the proposed development would cause harm to the character and appearance of the host dwelling and the surrounding area. There would be conflict with the development plan and the material considerations in this instance do not outweigh that harm.
14. For the reasons given above, the appeal is dismissed.

E Brownless

INSPECTOR