
Appeal Decision

Site visit made on 16 February 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 MARCH 2022

Appeal Ref: APP/E5330/D/3268903

44 Hyde Vale, Greenwich, London, SE10 8HP

- 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 Mrs Bernadette Enright against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 20/3573/HD, dated 20 November 2020, was refused by notice dated 18 January 2021.
 - The development proposed is the demolition of existing rear garden outbuildings. Construction of a part one, part two storey rear extension and raised platform to rear. Alterations to front elevation to replace windows and front door, alter openings, and restore brickwork with new entrance portico. Replacement of soldier course feature in matching masonry to match existing to front elevation. Replacement front garden boundary wall with masonry piers & painted metal railings. Replace tiled roof with slate. Excavate and extend existing cellar to form habitable basement accommodation, together with the creation of two front light wells and replacement of existing bay windows to front elevation with sliding sash windows. Construction of bin store to front garden, together with associated landscaping. Installation of one rear roof light. Replacement of first floor rear window with painted timber casement doors with metal balustrade and replacement of first floor rear window with timber sash window, together with other external and internal alterations.
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Decision

1. The appeal is dismissed insofar as it relates to the construction of a part one, part two storey rear extension and raised platform to rear; installation of one rear roof light; replacement of first floor rear window with painted timber casement doors with metal balustrade and replacement of first floor rear window with timber sash window, together with other external alterations.
 2. The appeal is allowed and planning permission granted insofar as it relates to alterations to front elevation to replace windows and front door, alter openings, and restore brickwork with new entrance portico; replacement of soldier course feature in matching masonry to match existing to front elevation; replacement front garden boundary wall with masonry piers & painted metal railings; excavate and extend existing cellar to form habitable basement accommodation, together with the creation of two front light wells and replacement of existing bay windows to front elevation with sliding sash windows; construction of bin store to front garden, together with associated landscaping and internal alterations at 44 Hyde Vale, Greenwich, London, SE10 8HP in accordance with the terms of the application, Ref 20/3573/HD, dated 20 November 2020, subject to the following conditions:
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1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. 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 or as specified on the approved plans and planning application content.
3. The development hereby permitted shall be carried out in accordance with the following approved plans and documents solely insofar as they directly relate to the approved works in principal paragraph 2 above: 449.S10(A) (Site Location Plan), 449.P01(B), 449.P02(B), 449.P03 (B), 449.P04 (B), 449.P05 (B), 449.S01 (A), 449.S02 (A), 449.S03 (A), 449.S04 (A), 449.S05 (A), Design and Access Statement, Structural Method Statement and Basement Impact Assessment.
4. Details of any enclosing lightwell railings or other barriers to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any works on excavating the lightwells are commenced. The development shall then be built in accordance with these approved details prior to first occupation of the basement's habitable rooms and permanently retained as such thereafter.

Preliminary Matters

3. I consider that there are two principal and distinct parts of the appeal proposal; in summary these are, firstly the planned works to the rear of the appeal property, and secondly the works to the front and the basement scheme. I therefore would be able to issue a split decision in this case.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

Reasons

5. The appeal property is a two-storey (plus cellar) detached house dating from the second half of the 20th century, on a plot occupied by an earlier building. The area is characterised by the 18th and 19th century villas and townhouses which follow the curve of the rising road, with gardens, giving an attractive streetscape. The appeal property is not a typical period building but is visually pleasing none the less and adds to the social history of the area.
6. The site lies within the Maritime Greenwich World Heritage Site Buffer Zone and the West Greenwich Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This aim and context is reflected within Policy HC1 and HC2 of the London Plan (LP) and Policies DH(h), DH3 and DH4 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014) (CS). Also pertinent is the West Greenwich Park Conservation Area Appraisal (2013).
7. Policy D3 of the LP and Policies DH1 and DH(a) of the CS have relevance to the case. Taken together, and amongst other matters, they seek to ensure that development is of high-quality design, sympathetic to its surroundings and

integrating in the streetscene, subordinate to the host property, suitable in form for its context, and protective of visual amenity. This is reflected in the advice and objectives of the Council's Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document (July 2018) (SPD) albeit that document cannot be expected to cover every eventuality

The planned works to the rear

8. The Council is concerned that the rear extension at both first floor level and ground floor would be excessive in scale, over dominant, have an awkward relationship to the small area of remaining original rear elevation, and lead to removal the characteristic 'L' shaped plan form. It is also of the view that the proposed Juliette balcony would introduce an uncharacteristic feature visible from the public realm and detrimental to character and appearance.
9. In terms of the Juliette balcony, I would agree with the Council. There is no real precedent for such a feature at upper level on older buildings in the locality and to place one on this particular property would be entirely inappropriate in aesthetic terms. Fenestration in this form and of this scale would lack the necessary subtlety and would be noticeably out of place and not cognisant of immediate or wider context. It would be visible from Rangers Square, but on view or otherwise it would not represent good design.
10. Turning to the extension elements, I would not follow the Council's in-principle stance on this. I do not see the 'L' shape as sacrosanct; it may not have been original and it is not a recurring feature on a run of identical properties because there are not any. The projection is poorly built and of no great architectural, character or historical importance. The planned added volume at all levels would be suitably modest compared to the existing bulk and comfortably accommodated given adjoining rear building lines and garden sizing. The slither of vertical rear walling remaining, to allow for light to neighbours, would hardly be apparent and of no greater awkwardness than presently exists.
11. However, regrettably, the Juliette balcony arrangement and positioning is inextricably linked with, and in the scheme before me inseparable from, the planned new building work to extend, elevationally alter, undertake new roofing, and change internal arrangements. It follows that despite my sentiments in paragraph 10 above, because of my concerns expressed in paragraph 9, I shall dismiss the appeal for the works under this first sub section.
12. I sympathise with the wish of the Appellant to increase internal space and applaud the aim of improving external materials, finishes and fenestration. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above. I conclude that this part of the appeal scheme would run contrary to the development plan, planning policy and the practice and guidance context which I set out in paragraphs 6 and 7 above.
13. I would add that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the natural and built environment as well as to safeguard heritage assets; development plan policies which I cite mirror

these. The Framework underlines that great weight should be given to a heritage asset's conservation. The part of the appeal proposal which I shall not allow would lead to less than substantial harm to the significance of the designated heritage asset, however public benefits would not outweigh this harm. Furthermore, there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the Conservation Area which I have identified.

Conclusion

14. For the reasons given above I conclude that the works to the rear of the appeal property would have unacceptable adverse effects on the character and appearance of the host property and the locality. Accordingly, the appeal for this part of the proposal is dismissed.

The planned works to the front and the basement scheme

15. In terms of this sub heading the Council's stated concern is in relation to the front lightwells. The other elements which would fall under this sub heading summary were deemed not controversial and in line with the Council I would agree that these would preserve or enhance character and appearance of the host property and the locality.
16. Returning to the lightwells. I noted that locally there are many examples of these to be found in varying situations. They would not be alien in the wider context. The front garden of the appeal property is larger than many in the area, making a lightwell 'intrusion' relatively modest. The property has a cellar in situ and a small front well already associated with this. The front elevation of the dwelling is elevated a little and substantial and offers a legible pleasing face which in my opinion would not be interrupted by the addition of lightwells. I am satisfied their addition would not detract from frontage qualities, jar on the eye, or appear at odds with the heritage and value of this building; they would be suitably subservient.
17. In the circumstances I conclude that for this part of the overall proposal there would not be conflict with the development plan policies which I cite in paragraphs 6 and 7 above; or national legislation, policy or guidance; or the Council's planning publications as listed; in relation to protection of character and appearance.
18. In terms of conditions which could apply, the scheme should have the standard commencement condition. The Council suggests the requirement for materials to match the existing building. I agree this condition would be appropriate in the interests of visual amenity where materials are not otherwise clearly specified. I also agree that there should be a condition that works are to be carried out in accordance with listed, approved, plans and documents; to provide certainty. There is differing reference by both principal parties relating to the possible need for safety protection for the lightwells. The appearance of any such protection would be an important consideration and for visual amenity reasons I shall thus require, by condition, subsequent agreement.

Conclusion

19. For the reasons given above I conclude that the works to the front of the appeal property and the basement scheme would not have unacceptable adverse effects on the character and appearance of the host property or the locality. Accordingly, the appeal for this part of the proposal is allowed.

D Cramond

INSPECTOR