The Planning Inspectorate

Appeal Decision

Site visit made on 5 April 2022 by T Bennett BA (Hons) MSc

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2022

Appeal Ref: APP/E5330/D/22/3292407
3 Admirals Gate, London, SE10 8JX

- 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 R Burley against the decision of Royal Borough of Greenwich.
- The application Ref 21/3288/HD, dated 3 September 2021, was refused by notice dated 23 December 2021.
- The development proposed is for the construction of a first floor side extension over the existing garage, insertion of new light tunnel to roof, changes to rear elevation openings, and associated internal and external alterations.

Decision

1. The appeal is allowed and planning permission is granted for the first floor side extension over the existing garage, insertion of new light tunnel to roof, changes to rear elevation openings, and associated internal and external alterations at 3 Admirals Gate, London, SE10 8JX in accordance with the terms of the application, Ref 21/3288/HD, dated 3 September 2021, 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: S526/01 (SLP), 2526/06 and 2526/07 (Proposed Layouts), 2526/08a and 2526/09a (Proposed Elevations).

    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.

    4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the use of the flat roof on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area of the extension hereby permitted be used as a balcony, roof garden or similar amenity area.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. There is some variation between the original description of development as shown on the application form and that used by the Council on the Notice of Decision. Whilst I am satisfied that both versions are seeking to describe the proposed development, I have used the description of development as shown on the decision notice as a more accurate and detailed description of the proposal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and street scene.

Reasons for the Recommendation

5. The appeal property comprises of a three-storey semi-detached link dwelling located at Admirals Gate. This is a private gated cul-de-sac consisting of modern detached and link semi-detached properties built in a period style similar in appearance to the appeal property. The site has an enclosed feel due to the close built nature of the development and the surrounding streets that back onto Admirals Gate.

6. The Council's refusal of planning permission relates solely to the first floor side extension over the existing garage. Therefore, the focus of the appeal is only on this element of the development proposal.

7. The proposed first floor side extension would project forwards of the ground floor elevation of the existing garage. Whilst I accept that this would not be a typical feature of the vicinity, the front elevation of the first-floor extension would still be set back some distance behind the front face of the host and neighbouring property. Consequently, the development would not appear as a dominant addition to the property or detract from the character of the street scene, remaining subservient and discrete in its appearance.

8. The use of matching materials and the incorporation of an overall design with the flat roof and parapet further ensures the proposal is congruent with both the host dwelling and the wider street scene. Other examples in Admirals Gate of first floor extensions over the garage also add to this conclusion.

9. I have also had regard to the concerns of neighbouring occupiers related to the design of the proposal, and the perception that the development would lead to a loss of openness and the creation of a terracing effect. Although I recognise that such an effect would conflict with the Supplementary Planning Document for Residential Extensions, Basements and Conversions Guidance (SPD) (2018), which states proposals should be designed so as to avoid this, I am mindful that the SPD provides guidance only and given the density of the properties and gated nature of the development, there is already an enclosed feeling to the wider site. Therefore, the loss of the gap would have a neutral effect and would add to the established character of the development.

10. For the reasons above, I conclude that the proposal would respect the character and appearance of the host dwelling and street scene. Although there would be some conflict with the SPD as set out, the proposed development would accord with policy D3 of the London Plan (2021), and policies DH1 and DH(a) of the Royal Greenwich Local Plan: Core Strategy (2014) (LP). All of

these seek to ensure high quality design which does not harm the character or appearance of the area.

Other Matters

11. The development would be situated within the Ashburnham Triangle Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing character or appearance of a conservation area. This is also reflected in the National Planning Policy Framework (the Framework). At paragraph 197, it sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness.

12. There have been no objections raised by the Council in relation to the proposed developments impact on the CA. Based on my site visit, I have no reason to form a different view taking in to account the enclosed nature of the site and limited views from the wider CA. Accordingly, I find the development would not conflict with either The Act or the Framework, or the development plan in this regard.

13. I have carefully considered the range of other concerns put forward by the neighbouring occupiers. These concerns relate to noise, loss of light and impact on privacy.

14. Regarding noise, I have no evidence to suggest that the development would cause any noise concerns over and above normal domestic activity, and as such, I do not find it would be reasonable to dismiss the appeal on this basis.

15. From my observations on site, the relationship of the neighbouring property with the proposed extension and the minimal protrusion of the development from the rear elevation, the proposal would not lead to an unacceptable loss of light to the neighbouring property.

16. I have also noted the neighbour's privacy concerns in relation to the first-floor rear window. However, it is quite evident that mutual overlooking already exists from both the appeal site and properties to the rear and I do not regard the proposal as representing a departure from the existing environment or leading to inadequate levels of privacy over and above what is experienced now.

17. I am therefore satisfied that the above issues do not lead me to a different overall conclusion in my assessment of this appeal.

Conditions

18. In addition to the standard conditions relating to timeliness and the identification of plans, the Council has suggested a condition requiring the external materials of the proposed development to match those of the existing building. In the interests of the character and appearance of the host property and street scene I agree that this condition would be necessary.

19. The Council has suggested a further condition to ensure that the roof of the proposed extension is not used as an amenity area nor any access created to provide access to the roof. For certainty and clarity, I agree this condition

would be necessary and reasonable in the interests of safeguarding the living conditions of neighbouring occupiers.

Conclusion and Recommendation

20. For the reasons given above I recommend that the appeal should be allowed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and subject to the conditions as listed, the appeal should be allowed.

Martin Seaton

INSPECTOR