



Appeal Decision

Site visit made on 19 April 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16TH May 2022

Appeal Ref: APP/E5330/D/22/3292317

6 Amhurst Walk, Thamesmead, London SE28 8RJ

- 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 Catherine Anuwe against the decision of the Council of the Royal London Borough of Greenwich.
 - The application Ref: 21/2699/HD, dated 21 July 2021, was refused by notice dated 17 November 2021.
 - The development proposed is erection of outbuilding in rear garden as permitted by planning application 20/2439/HD with changes to the siting/orientation of the building.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of outbuilding in rear garden as permitted by planning application 20/2439/HD with changes to the siting/orientation of the building at 6 Amhurst Walk, Thamesmead, London SE28 8RJ in accordance with the terms of the application ref: 21/2699/HD, dated 21 July 2021 and subject to the following conditions:
 1. Development shall be carried out in accordance with the following approved plans: DJT/06/01 log cabin elevations and site plan, block plan and site location plan.
 2. Notwithstanding the Town and Country Planning (General Permitted Development Order) 2015 (or any Order revoking, re-enacting or modifying that Order), the outbuilding hereby approved shall only be used for purposes ancillary to the residential use of the dwellinghouse known as 6 Amhurst Walk, Thamesmead, London SE28 8RJ, and shall not be occupied as any form of self-contained residential accommodation without the benefit of planning permission.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposal on the living conditions of neighbours at No.5 Amhurst Walk in respect of outlook, and
 - effect on the character and appearance of the area.

Reasons

3. No.6 Amhurst Walk is a modern two-storey end terrace property located in a residential area. Permission was granted in 2020 for the erection of an

outbuilding in the rear garden (ref: 20/2439/HD). The building was to be sited with its blank rear elevation next to the brick wall rear boundary of the garden and with a blank side elevation relatively close to the boundary with the neighbouring dwelling of No.5 Amhurst Walk.

4. The proposed outbuilding was not constructed in accordance with the approved plans. Its longer blank rear elevation is now adjacent to most of the boundary with the garden of No.5 Amhurst Walk with a separation distance of around 0.7 m. The completed development was the subject of a further application which was refused permission by the Council and is the subject of this appeal.

Living conditions

5. The Council considers that the development is unacceptable because of its positioning and inadequate separation distance, resulting in loss of outlook and an increased sense of enclosure for the occupants of No.5 Amhurst Walk.
6. The rear elevation of No.6 is set back from the rear elevation of No.5. The rear elevation of the outbuilding is around 2 m longer than its side elevation. The siting of the outbuilding therefore results in a slight increase in loss of outlook from the garden of No.5 and its closest ground floor window compared to the effect that the approved outbuilding would have had, if built. I note that a 2 m high timber fence could have been built along this boundary, under permitted development rights, which would also have reduced the outlook for neighbours.
7. There is also a comparable increased sense of enclosure for the garden of No.5 from the outbuilding. However, the permitted outbuilding would have had windows in its front elevation which would have allowed angled views towards the ground floor windows of No.5. The outbuilding also restricts views from the rear garden of No.6 towards the rear garden of No.5. The blank rear elevation of the completed outbuilding therefore provides greater privacy for the occupiers of No.5. In view of the location of the outbuilding there would also be a slight increase in the loss of sunlight for the neighbouring garden of No.5.
8. The development conflicts with policy DH(b) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies and with the Residential Extensions, Basements and Conversions Guidance supplementary planning document both of which seek to protect the amenity for adjacent occupiers. However, I must take into account the effect on the amenity of neighbours that would have resulted if the outbuilding previously granted permission had been built. Overall, I find that the increase in harm to amenity from the development would be slight and insufficient reason to dismiss this appeal.

Character and appearance

9. The size, design and external materials of the outbuilding are the same as approved in the previous permission. The change in siting of the building is relatively minor, with the main difference between the permitted proposal and appeal proposal being the orientation of the outbuilding. The outbuilding is relatively large but is the same size and scale of that already permitted. I consider that there is an adequate separation distance between the outbuilding and the host building. When viewed from Roman Square the outbuilding is less obtrusive than that which would have resulted from the permitted development because its end elevation faces the square above the brick boundary wall,

rather than its longer rear elevation. Although other outbuildings in the area are positioned at the end of gardens, the outbuilding is located in a garden at the end of a terrace, near garages and therefore does not stand out as being incongruous in that respect. I find that the outbuilding causes no significant harm to the character or appearance of the area. It therefore fails to conflict with policy D3 of the London Plan regarding a design led approach. It also does not conflict with policies DH1 and DH(a) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies, or with the Residential Extensions, Basements and Conversions Guidance supplementary planning document which concern design and the need for residential extensions to respect the scale and character of the host building, the street scene and surrounding area.

Conditions

10. A condition is imposed to confirm the approved plans. I have also included a condition, suggested by the Council, that the use of the outbuilding should be ancillary to the use of the dwelling in order to ensure that the Council has control over any proposed self-contained residential use.

Conclusion

11. I have taken all other matters raised into account including the representations of the neighbouring occupier and conclude that the appeal should be allowed.

Martin H Seddon

INSPECTOR