
Appeal Decision

Site visit made on 18 April 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th June 2022

Appeal Ref: APP/E5330/W/21/3284032

Land adjacent to 83 Southwood Road fronting Colyer Close, Eltham, London SE9 3QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr T Cope against the Council of the Royal Borough of Greenwich.
 - The application Ref 21/0456/F is dated 5 February 2021.
 - The development proposed is described on the application form as the 'construction of a single storey double garage'
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Decision

1. The appeal is allowed, and planning permission is granted, for the construction of a single storey double garage at Land adjacent to 83 Southwood Road fronting Colyer Close, Eltham, London SE9 3QF in accordance with the terms of the application, Ref 21/0456/F, dated 5 February 2021, subject to the conditions appended to this decision.

Preliminary Matters

2. I have had regard to the Council's Appeal Statement, noting that there are no disputes between the two main parties. Nevertheless, I have taken into account what I consider to be the main issues based on the evidence before me, together with neighbour observations received, as set out below.
3. In respect of the site address, I have used that of the original planning application form.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - the effect of the proposed development on the living conditions of the occupants at 83 Southwood Road, with particular regard to noise, disturbance, privacy, sunlight and daylight; and
 - the effect of the proposed development on highway safety.

Reasons

Character and appearance

5. The appeal site comprises a narrow parcel of land located at the junction of Southwood Road with Colyer Close. The site is surrounded by predominantly residential properties, varying in style and period. From that perspective there is limited consistency of character within the street or surrounding area.
6. Several observations received from neighbouring occupiers make reference to the site having once formed an orchard or 'greenfield site' with fruit trees. No trees exist on the site at present, and do not appear to have for some time. Consequently, neither trees nor green space on the site contribute to or form part of the character of the area.
7. The proposed development would introduce built form to the northern part of the site and would run parallel with the side elevation of No 83. The design of the proposed structure would broadly reflect the style and appearance of this adjoining house and would appear as though it were associated with it. Although I acknowledge that a garage in this position is not a typical feature of the surrounding area, it is not uncommon for properties of this type to have a single-storey side extension. I noticed that a similar arrangement exists at 89 Southwood Road, opposite the appeal site, albeit the appeal scheme would not be physically attached to No 83. Nevertheless, the proposed development would form a subservient addition to the neighbouring house and would not appear out of keeping with the wider area.
8. Consequently, I conclude that the proposed development would have an acceptable impact on the character and appearance of the surrounding area. It would accord with Policy DH1 of the Royal Borough of Greenwich Local Plan Core Strategy with Detailed Policies (Core Strategy) (2014), Policy D3 of the London Plan (2021) and the relevant provisions of the Royal Borough of Greenwich Supplementary Planning Document: Residential Extensions, Basement and Conversions Guidance (the SPD) (2018), which seek to ensure high quality of design in development.

Living Conditions

9. The footprint of the proposed development is set close to the boundary with No 83. The proposed structure would not include any windows but a conventional garage door would exist within the south elevation, together with a pedestrian access door to the north elevation. A single-storey side extension already exists at No 83. This has no side facing windows, although a first-floor window exists above it which appears to serve a bathroom.
10. By reason of the single-storey nature of the proposed development, together with its position relative to any windows at No 83, there would be no unacceptable loss of sunlight or daylight to the occupiers of this adjoining property.
11. For similar reasons, given that no windows are proposed as part of the development, no harm would arise to neighbouring occupiers in relation to privacy. I acknowledge the comment received that views into the adjoining garden could be obtained by those using the appeal site. However, the intervening boundary features, consisting of a wall and mature planting, and the natural direction of outlook from the garage when in use, towards the rear

of the appeal site, means that there would be limited meaningful opportunity for a greater degree of overlooking.

12. In respect of comments relating to air quality, noise and disturbance, the proposed development would form a garage used for the storage of the appellant's cars. I agree with the Council that air quality and noise levels are unlikely to be compromised due to the small scale and nature of the proposal.
13. Consequently, I conclude that the proposed development would be acceptable in respect of living conditions and would accord with the relevant provisions of Policies E(a) and DH(b) of the Core Strategy and Policy D14 of the London Plan (2021), which in summary seek to protect the amenities of adjacent occupiers.

Highway safety

14. The proposed development would make use of an existing vehicular crossover on Colyer Close, removing the current access point. Given the scale and nature of the proposed development, and irrespective of its proximity to nearby schools, it is unlikely that there would be any significant increase in vehicle movements here that would impede the flow of either road or pavement users. Moreover, no on-street parking bays would be lost along Colyer Close, where parking restrictions apply. Therefore, there would unlikely be any impact on parking provision or highways safety as a result of the proposed development. A condition will be imposed to remove the existing access.
15. A response was received by the Council's highways department during the course of the planning application, raising no objections to the proposed development from a highways perspective. I have no reason to disagree with this based on the evidence before me and my observations on site.
16. For the above reasons, I conclude that the proposed development would be acceptable in respect of highway safety and would accord with the relevant provision of Policy IM4 of the Core Strategy and T1 of the London Plan (2021), which in summary seek to support a sustainable transport system.

Other Matters

17. In respect of the use of the site as a builders' yard, or some other commercial function, this is a hypothetical eventuality and I have no evidence before me that proposes such a use. In any case, a condition is attached to this decision restricting the use of the garage. In respect of any unauthorised works that have taken place in the past, or consented works that have only been part implemented, this is a matter for the Council and is not relevant to this appeal.
18. The fact that the appellant does not live near the site is not a planning consideration here. Even if the appellant did not own the land, they would still be entitled to seek planning permission on it. The proposed development is not associated with a residential property but will be used for the purpose of storing up to two cars. Such a use is not necessarily dependant on where the owner of these vehicles lives.
19. There is no substantive evidence before me in respect of any increased risk to home security as a result of the proposed development, compared with the current situation. Similarly, I have no substantive evidence before me to conclude that the proposed development would result in damage to boundary

planting or treatments. The sounding of a burglar alarm in the past is not a planning matter.

20. The neighbouring occupier has set out personal circumstances in that the proposed development would affect family members who live at the property. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Wider planning considerations are paramount but nevertheless the particular effects of the proposed development in this location is a matter to which I give moderate weight in assessing the proposal. However, I have reasoned above the limited harm that the proposed development would cause, and have found no harm in respect of the PSED factors.
21. Previous applications at the site relate to alternative proposals on the site, including for a new dwelling and in relation to the erection of the existing garage structure. Ref 20/0784/F sought the construction of a single-storey double garage and was refused on the basis that insufficient justification was provided as to the intended use of the garage. The Council is now satisfied that such a justification has been provided. I have no reason to disagree with this and have no compelling evidence to find otherwise.

Conclusion

22. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Conditions

23. The Council has provided a list of conditions that it suggests should be applied in the eventuality that the appeal was to be allowed. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance, amending the wording of some, and combining provisions of others, without altering their fundamental aims.
24. In addition to requiring commencement within the relevant statutory period, I have imposed a condition requiring adherence to the relevant plans for certainty.
25. A condition restricting the use of the garage for the storage of up to two vehicles has been included, as suggested by the Council, to ensure that the residential character of the area and the living conditions of neighbouring properties is protected. The appellant has agreed to the wording of this condition.
26. Given the detail and specifications set out in the plans and application form, the provisions of condition 2, a condition suggested by the Council in respect of material samples for the building hereby approved is unnecessary. However, due to the limited detail provided in respect of the gate, a condition requesting details in this regard has been included for certainty. This is a pre-commencement condition as it is necessary to ensure that this element of the scheme is properly designed prior to the commencement of development.

27. Given the detail set out in the plans explicitly showing a sliding gate, together with the provisions of conditions 2 and 3, a condition suggested by the Council in respect of outward opening gates is considered unnecessary. However, a condition has been included to ensure that the proposed relocated gate is implemented prior to the use of the development, for certainty.

A Price

INSPECTOR

SCHEDULE OF 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: TGA.0338 01(A)
- 3) No development shall commence until details of the proposed access gate have been submitted to and agreed in writing by the local planning authority. The gate shall be erected in accordance with the approved details prior to the beneficial use of the development hereby approved.
- 4) Prior to the beneficial use of the development hereby approved the existing access to the site shall be closed up and the new access laid out in accordance with drawing no TGA.0338 01(A).
- 5) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the development hereby approved shall be used for the storage of up to two vehicles and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).