



Appeal Decision

Site visit made on 19th May 2022

by Megan Thomas Q.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 13th June 2022

Appeal Ref: APP/E5330/W/22/3292125

Land to rear of 2 and 2a Kidbrooke Park Road, Kidbrooke SE3 0LW

- 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 and Mrs A Wilkins against the decision of the Royal Borough of Greenwich Council.
 - The application Ref.21/3861/F, dated 20 October 2021, was refused by notice dated 22 December 2021.
 - The development proposed is the erection of a detached four-bedroom family dwelling of contemporary design on land to the rear of 2 & 2a Kidbrooke Park Road, utilising the existing access and incorporating landscaping, parking, secure bin and cycle storage.
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1. The appeal is allowed and planning permission is granted the erection of a detached four bedroom family dwelling of contemporary design on land to the rear of 2 & 2a Kidbrooke Park Road, utilising the existing access and incorporating landscaping, parking, secure bin and cycle storage at land to the rear of 2 and 2a Kidbrooke Park Road, Kidbrooke SE3 0LW, in accordance with the terms of the application, Ref. 21/3861/F, dated 20 October 2021, subject to the following conditions:
 - 1) The development to which this permission relates must be begun not later than the expiration of three (3) years beginning with the date on which the permission is granted.
 - 2) The development shall be carried out strictly in accordance with the following submitted plans, drawings and documents: OS.001 Rev C, SIT.001 Rev D, EX.001 Rev C, EX.002 Rev C, EX.003 Rev A, EX.004 Rev A, EX.005 Rev C, EX.006 Rev A, EX.007 Rev A, PL.000 Rev G, PL001 Rev G, PL002 Rev G, PL003 Rev G, PL004 Rev E, EL.002 Rev E, EL.003 Rev D, EL.003 Rev C, EL.004 Rev D, EL.005 Rev D, EL.006 Rev D, SE.001 Rev C, SE.002 Rev E, SE.003 Rev C, SE.004 Rev D, Highways Technical Note (9/9/21), ACS Trees Consulting Arboricultural Report (8/10/21), CGI Images, Design & Access Statement (October 2021) and Planning Design Heritage & Access Statement (15/10/21).
 - 3) No development shall commence on site until a detailed schedule and specification/samples of all external materials and finishes/windows and external doors/roof coverings to be used on the dwellinghouse have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

- 4) Prior to construction works commencing, a Construction Logistics and Management Plan shall be submitted to and approved in writing by the Local Planning Authority for a management scheme to control and minimise emissions of pollutants attributable to the construction of the development. This must include a risk assessment and a method statement in accordance with the control of dust and emissions from Construction and Demolition Best Practice Guidance published by the Greater London Authority. It must include a management scheme to minimise the impact of construction on the local highway network. The scheme shall set out the secure measures, which can, and will, be put in place regarding but not limited to:
- Hours of construction
 - Haulage routes
 - Likely noise levels to be generated from plant and detail of any noise screening measures
 - Proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded
 - A dust risk assessment shall be undertaken with dust suppression methods to be used including details of equipment during the different stages of the development, including dust monitoring procedures
 - The access and parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Measures to ensure that the footway and carriageway of Kidbrooke Park Road and the access road are not blocked
 - Storage of plant and materials used in constructing the development
 - Wheel washing facilities and facilities for discharging the water
 - Site plan identifying location of site entrance, exit, wheeling washing, hard standing, stock piles, dust suppression, location of water supplies and location of nearest neighbouring receptors
 - Bonfire policy
 - A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reference shall be made to The Council's Construction Site Noise Code of Practice, The Mayor of London's Control of Dust and Emissions from Construction and Demolition Best Practice Guidance & BRE Pollution Control Guides Controlling Particles and Noise Pollution from Construction Sites.

The construction process shall be carried out in accordance with the approved details.

- 5) The dwelling hereby approved shall comply with Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.
- 6) Prior to the commencement of the development hereby approved, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be installed in accordance with the approved details and retained thereafter.

- 7) The development hereby permitted shall comply with regulation 36(2)(b) of the Building Regulations 2010 (as amended) and as set out in section G2 of the Building Regulations Approved Document (water efficiency - 105 litres per person per day).
- 8) Prior to the first occupation of the development hereby approved, the residential refuse and recycle store shall be implemented in accordance with drawing PL001 Rev. G and retained as such for the lifetime of the development.
- 9) The development shall provide 2 secure and dry cycle spaces. The cycle parking spaces shall be installed prior to the first occupation of the dwelling and maintained thereafter in working order.
- 10) 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 modifications), no enlargement or other alteration to the dwellinghouse hereby permitted shall be carried out without the prior written permission of the Local Planning Authority.
- 11) Prior to the implementation of works above ground level, full details of the hard and soft landscaping arrangement for the site shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping shall be completed in accordance with the approved details and the works completed before the first occupation of the dwelling. The soft landscaping shall be completed in accordance with the approved details either within 6 months of the dwelling being completed or the first planting season whichever is the earliest.
- 12) Prior to the implementation of above-ground works, full details of the green roof hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall also include a maintenance and management plan for their upkeep. The development shall be carried out in accordance with the approved details and the green roof shall be retained for the lifetime of the development.
- 13) Prior to first occupation of the new dwelling hereby approved, details of the boilers shall be submitted to and approved in writing by the Local Planning Authority. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%). The boilers shall be installed and retained for the lifetime of the development in accordance with the approved details unless the prior written approval of the Local Planning Authority is given.
- 14) Prior to first occupation of the dwelling hereby approved, one on-site off-street vehicle parking space shall be provided and shall thereafter be retained for the lifetime of the development.

- 15) No occupation of the dwelling hereby permitted shall take place until arrangements have been made to secure the development as a car-free development in accordance with a detailed scheme or agreement which shall have been approved in writing by the local planning authority. The approved scheme or agreement shall ensure that:

- (i) no occupiers of the approved development shall apply for, obtain or hold an on-street parking permit to park a vehicle on the public highway within the administrative district of the local planning authority (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation); and
- (ii) any occupiers of the approved development shall surrender any such permit wrongly issued or held.

Such scheme or agreement shall also be implemented prior to the occupation of the dwelling hereby permitted and shall be retained and operated for so long as the use hereby permitted continues.

Main Issue

2. The appeal site is located within the Blackheath Conservation Area. The main issue in the appeal is the effect of the proposal on the character and appearance of the area with particular regard to its scale and the prevailing pattern of development, and its effect on the historic character and significance of the Blackheath Conservation Area and the setting of adjacent locally listed buildings.

Reasons

3. The appeal site is part of the rear gardens to nos 2 and 2a Kidbrooke Park Road in Blackheath, which are in residential use. No.2 Kidbrooke Park Road is a locally listed building as are several adjacent properties to the west and south. No.2 has been extended northwards with a large 3-storey side extension most of which is known as 2a. 2a has its own segregated rear garden.
4. The proposed house would be of contemporary, timber-clad design. It would be arranged over three staggered internal levels but would be a maximum of 1.5 storeys in height as it would be partly below existing ground level. Its highest element would be a floating roof over an ensuite/dressing room but this would be a modest part of the overall roofscape. The house would have, amongst other things, four bedrooms, a car port, a cycle store, green roofs and a south-facing rear garden. The proposed footprint of the dwelling would sit around the entrance courtyard with a front door in the middle of the north-facing elevation. The front door would lead to an entrance lobby and stairwell, around which the accommodation would be arranged. The entrance elevation of the dwelling would face towards 2f Kidbrooke Park Road.
5. The appeal site would be accessed via the existing private drive situated between 2e Kidbrooke Park Road to the north and 2a to the south. The private drive provides access to a single dwelling (2f Kidbrooke Park Road). The access road would split to provide access to the proposed dwelling to the south and 2f

Kidbrooke Park Road to the north and it would take part of the existing garden serving 2a and insert a passing place in the front parking forecourt shared between 2a and 2.

6. A number of other properties would share a boundary with the appeal site along with 2f and 2e including 4 Kidbrooke Park Road, properties on Kidbrooke Grove (to the west) and Oak Tree House (a contemporary self-contained house built in the former rear garden of 48 Shooters Hill Road to the north).
7. The development would be backland development and the Council accept that in principle a detached dwelling can be accommodated on the site. The design of the dwelling uses the proposed plot efficiently by sinking part of the built development into the ground and avoiding an overly high or intrusive structure. The open character of the existing rear gardens to 2 and 2a would change, however, the depth of gardens allow the new dwelling and access to be accommodated whilst leaving generous open amenity areas for the occupants of 2 and 2a. Moreover, the design of the new house provides a sizeable south-facing rear garden and patio area for the future occupants. Overall, the open character of the appeal site would not be unduly compromised and on the plot itself the ratio of built development to open areas would be appropriate and would not appear overdeveloped, squeezed in or too dense. Some tree planting is proposed in the reduced rear gardens of 2 and 2a which would add greenery and filter views. This can be secured via a landscaping condition.
8. The overall size of the proposal would not be out of scale with existing, often grand, buildings in the immediate area. It would be a cohesive shape with a sympathetic massing on the site and it would make an impressive contemporary statement whilst remaining a subservient structure.
9. Turning to the locally listed buildings and Conservation Area issues, I have borne in mind the statutory duties contained in the Planning (Listed Buildings and Conservation Areas) Act 1990. The Blackheath Conservation Area Appraisal analyses the significance of the area around Kidbrooke Park Road and Kidbrooke Grove. The layout of straight streets and avenues with what were originally substantial good quality detached houses set back from the road behind low garden walls and street trees are significant elements. The excellent condition of many of the properties is also noted. In terms of opportunities for redevelopment, there is an acknowledgement that there is latent pressure to redevelop large gardens but that the Council will work with landowners to redevelop gap sites where appropriate provided that the proposals are of a high quality of design.
10. Whilst the proposed dwelling would differ in comparison to the typical existing style of buildings, the incorporation of the contemporary design and complementary materials would ensure that it would be a high quality modern addition to the area, which is preferable to a building which attempts to mimic the historic vernacular. Oak Tree House, which was granted planning permission by the Council, is an example of a successful high quality modern addition to the Conservation Area and I consider that the proposed development would also achieve the same success. Views of it from private land would preserve the quality of the Conservation Area, as Oak Tree House does.
11. Part of the special character of the area and the locally listed buildings is their layout within spacious gardens, with fairly generous separation distances. The

proposed dwelling can be inserted into the current pattern of development without unduly compromising that pattern or competing for attention with the locally listed buildings. Whilst it would reduce the gardens to 2 and 2a, the plots are sufficiently deep for their remaining rear gardens to be spacious and proportionate to their size. Whilst views from the public realm are not the sole consideration, the scheme with its relatively low height would not materially change views of the Conservation Area from public vantage points and the streetscene would remain almost the same. There would be changes to the front forecourt of no.2a/2 and possible glimpses from Kidbrooke Park Road of the highest element of the new dwelling but those views would preserve the significance of the Conservation Area.

12. Overall, I conclude that the proposal would not harm the character or appearance of the area with particular regard to its scale and the prevailing pattern of development, and it would preserve the historic character and significance of the Blackheath Conservation Area and the setting of adjacent locally listed buildings. It would not be contrary to policies D3 or HC1 of the London Plan 2021, policies H5, H(c), DH1, DH3, DH(h) or DH(j) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (adopted 2014) or the Blackheath Conservation Area Appraisal (2013).

Other Matters

13. The design of the scheme would take account of large trees in neighbouring gardens. The building would step away from the western boundary of the site leaving a zone where there would be no built development in order to avoid any inappropriate interference with canopies and roots of trees at the rear of Kidbrooke Grove properties. The Arboricultural Report contains appropriate methods of protecting trees and compliance with the Report can be secured by planning condition.
14. The privacy of surrounding residential occupants in nearby properties would not be unacceptably compromised given separation distances, the provision of louvres and/or the use of etched glass on relevant windows. Separation distances, the massing of the dwelling on the site and the 1.5 storey height would mean there was no undue sense of enclosure or loss of daylight or sunlight for occupants of nearby properties. There is no evidence that there would be an unacceptable impact on biodiversity in surrounding gardens or on the appeal site itself.
15. A precedent which would allow general redevelopment of back gardens in the Conservation Area is not necessarily set by granting planning permission here because the site has its own assemblage of characteristics as does the proposal itself. Each planning application is determined on its own individual merits.

Conditions

16. The Council suggested some conditions in the event that the appeal was successful. I have considered the imposition of planning conditions in the light of advice in National Planning Practice Guidance. A condition which ties the built development to the approved plans is necessary in the interests of certainty. In order to protect the character and appearance of the area and ensure a high standard of design and detailing, I have imposed conditions which require external materials and finishes, hard and soft landscaping, green roofs and boundary treatments to be approved by the Council. It is important in

order to secure good planning that boundary treatment and details of external materials are approved before development commences.

17. In this case, I have included a condition which removes permitted development rights to enlarge the dwelling or alter it because I consider that exceptional circumstances exist in this case to ensure that the integrity of the design is maintained and that neighbouring residential amenities are protected.
18. In order to prevent nuisance and protect residential amenity, there is a requirement to have a construction logistics and management plan approved and applied. To ensure the scheme is inclusively-designed, there is a condition aimed at providing accessible and adaptable dwellings. Sustainability, control of emissions to air and water efficiency objectives are behind the condition to limit water use at the new dwelling and the condition to approve details of boilers. In order to secure satisfactory waste provision I have included a condition to require domestic refuse and recycling facilities on the site.
19. A condition which secures adequate cycle parking on the site is necessary to promote sustainable transport modes. To ensure there is reasonable vehicle parking available, I have imposed a condition which requires one on-site vehicle parking space to be provided prior to occupation of the new dwelling. In order to prevent on-street parking from being overstressed, I have attached a condition for a written agreement to be implemented which would prevent future occupiers of the development from obtaining on-street residents' parking permits. I have amended the suggested wording of the Council's condition in order to make it more certain and to make an exception for a permit for a disabled person.

Conclusion

20. Having taken into account all representations made, for the reasons given above, I allow the appeal and grant planning permission subject to conditions.

Megan Thomas Q.C.

INSPECTOR