



Appeal Decision

Site visit made on 22 July 2022

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18TH August 2022

Appeal Ref: APP/E5330/W/22/3295326

Car park to the rear of 591 Westhorpe Avenue, Eltham, London SE9 6JX

- 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 Nadir against the decision of the Council of the London Borough of Greenwich.
 - The application Ref 21/2316/F, dated 15 May 2021, was refused by notice dated 6 October 2021.
 - The development proposed is described as the erection of a single storey, 1 bedroomed, detached dwelling on the existing car park at the rear of the property.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey, 1 bedroomed, detached dwelling on the existing car park at the rear of 591 Westhorpe Avenue, Eltham, London SE9 6JX in accordance with the terms of the application, Ref 21/2316/F, dated 15 May 2021, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The appeal is accompanied by a set of amended drawings. The main change to the proposal is the inclusion of a bay window with a shallow gable in place of a window in the front elevation. Other amendments include the widening of the pathway between the street and the front door and minor internal changes. Given the modest nature of the changes I am satisfied that taking into account the revised drawings would not prejudice the interests of interested parties.

Main Issues

3. As prior approval has been approved for the change of use of the neighbouring surgery to residential use the Council has not sought to defend its third reason for refusal relating to the loss of car parking provision. The main issues are therefore:
 - (i) the effect of the proposal on the character and appearance of the street scene; and
 - (ii) whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to accessibility and adaptability.

Reasons

Character and Appearance

4. The appeal site comprises land to the rear of 591 Westthorne Avenue. No. 591 was occupied by a surgery and the appeal site was used as a car park. The surgery has closed and No. 591 is in the process of being converted into residential accommodation. The appeal site is situated at the end of Briset Road, a residential cul-de-sac comprising 2-storey semi-detached houses with hipped roofs, bay windows and pebble-dashed frontages.
5. The proposal would comprise the erection of a modest 1-bedroom bungalow with a crown roof. The front elevation of the dwelling would align with that of the next door house, 2 Briset Road, therefore allowing for the formation of front garden space set behind a low front boundary wall. Due to its location at the end of a cul-de-sac, its siting set back from the road, and its size in comparison to the 2-storey properties to either side, the proposal would be a diminutive form of development that would have a very limited effect on the appearance of its surroundings. In addition, its design and materials would be compatible with No. 2 and the nearby flank elevation of No. 591.
6. For these reasons I am satisfied the proposal would not have an unacceptable effect on the character and appearance of the street scene. It therefore accords with Policy D3 of the London Plan (2021) (LP) and Policies H5, H(c) and DH1 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014) (RGLP). Amongst other things, these policies require development to be of a high quality of design, limited to a scale and design appropriate to the locality.

Living Conditions of Future Occupiers

7. LP Policy D7 states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, new dwellings must meet building regulation M4(2) 'accessible & adaptable dwellings'. LP paragraph 3.7.8 states that "*M4(2) and M4(3) dwellings should be secured via planning condition to allow the Building Control body to check compliance of a development against the optional Building Regulations standards*". The Council's Housing Occupational Therapist assessed the application drawings and identified a number of aspects of the proposal that did not accord with M4(2). However, the assessment states that "*Compliance with M4(2) should be conditioned*".
8. The proposal would comprise the erection of a 1 bedroom bungalow with level access from the street. The amended drawings submitted with the appeal indicate that a covered entrance, adequate door opening widths and acceptable access to bathroom facilities can be provided.
9. In the light of LP paragraph 3.7.8, the Housing Occupational Therapist's assessment and the amended drawings I am satisfied that acceptable living conditions for future occupiers of the proposal can be adequately secured via a planning condition. The proposal therefore accords with LP Policies D7 and D5, the latter of which requires developments to be designed to be convenient and welcoming with no disabling barriers which can be entered, used and exited safely, easily and with dignity for all. This is also reflected in Policy DH1 of the RGLP.

Other Matters

10. Concerns have been raised regarding the effects of the proposal on levels of natural light reaching neighbouring properties and on the privacy of neighbouring residents. As the proposal would comprise a small bungalow sited away from the rear boundary of the site and adjacent to the flank elevation of No. 2, levels of natural light reaching windows serving rooms in neighbouring houses would not be materially impacted upon. As the proposal is single storey, overlooking of neighbouring gardens would be easily mitigated by the provision or retention of adequate boundary treatments.

Conditions

11. I have considered the conditions suggested by the Council having regard to the National Planning Policy Framework and Planning Practice Guidance. For the avoidance of doubt and in the interests of proper planning, a condition requiring the approved development to be carried out in accordance with the approved drawings is imposed.
12. Prior to commencement of the development there is a need for materials and a Construction Management Plan to be approved in order to adequately protect the appearance of the area and the living conditions of occupiers of neighbouring properties. To discourage private car use and ensure adequate refuse storage facilities are provided it is necessary impose conditions requiring the refuse and cycle storage areas indicated on the approved drawings to be provided and retained.
13. So as to ensure that the development provides (or can be adapted to provide) satisfactory accommodation for people whose mobility is impaired, and water efficiency, conditions requiring that the expectations of the London Plan for the Optional Building Regulations Requirements are met are imposed. The approved dwelling would have a shallow rear garden and no capacity to provide living accommodation within the roof space. In these particular circumstances I do not consider it necessary to remove permitted development rights as scope to extend or alter the property would be very limited.

Conclusion

14. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

S Poole

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: A0200 Rev 02, A1000 Rev 01, A1200 Rev 00, A1250 Rev 00, A2000 Rev 03, A2200 Rev 03, A2250 Rev 02

- 3) Prior to the commencement of above ground works, a detailed schedule and specification of all external materials and finishes shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. This should 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. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - likely noise levels to be generated from plant;
 - details of any noise screening measures;
 - proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded;
 - bonfire policy;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) Prior to the occupation of the development hereby approved, the refuse and recycle store shall be implemented in accordance with Drawing A2000 Rev 01 and the store shall be retained thereafter.
- 6) The development shall provide a minimum of 2 secure cycle spaces in accordance with Drawing A2000 Rev 01 and these shall be retained thereafter.
- 7) The development shall comply with Building Regulations Optional Requirement Approved Document G2 – Water efficiency (2015 edition).
Prior to occupation evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
- 9) The dwelling shall comply with Building Regulations Optional Requirement Approved Document M4 (2) Category 2: Accessible and adaptable dwellings (2015 edition).
Prior to occupation evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.