



Appeal Decision

Site visit made on 9 May 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 SEPTEMBER 2022

Appeal Ref: APP/E5330/W/21/3289713

124 Shooters Hill Road, Blackheath, London SE3 8RN

- 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 Sarah Kirby against the decision of Royal Borough of Greenwich Council.
 - The application Ref 21/2088/F, dated 13 June 2021, was refused by notice dated 17 August 2021.
 - The development proposed is the conversion of the house currently divided into 2 flats back into a single family house (C3 Use). Replacement of existing rear extension with a new rear extension, removal of the existing raised rear patio, and associated landscaping works, new side gate, and external alterations.
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Decision

1. The appeal is dismissed insofar as it relates to the replacement of existing rear extension with a new rear extension, removal of the existing raised rear patio, and associated landscaping works, new side gate, and external alterations. The appeal is allowed insofar as it relates to the conversion of the building back into a single dwellinghouse and planning permission is granted for the conversion of the house currently divided into 2 flats back into a single family house (C3 Use) at 124 Shooters Hill Road, Blackheath, London SE3 8RN in accordance with the terms of the application, Ref 21/2088/F, dated 13 June 2021, and the plans submitted with it, so far as relevant to that part of the development hereby permitted.

Procedural Matters

2. The description of development used in the banner heading and my formal decision above is based on that used on the Council's decision notice, and subsequently adopted on the appeal form. I have used it here in preference to the wording originally used on the planning application form, as it provides a slightly more accurate and detailed description of the proposal.
3. The appeal property was previously divided into two flats, but the planning application was made on the basis that its conversion to a single family dwellinghouse had already taken place. I have omitted the reference to the proposal being "part retrospective" in the banner heading and my formal decision, as it is not in itself descriptive of the development. Nevertheless, the change of use element of the development for which permission is sought has already taken place.

4. For the reasons which I set out in the “other matters” section below, I find the (re-)conversion of the property to a single dwellinghouse to be acceptable, and that element of the development is clearly separable from the proposed physical works. I therefore intend to issue a split decision in this case, and grant planning permission for the change of use.
5. The appellant’s appeal statement included a Daylight and Sunlight Assessment (“the DSA”) which demonstrated that the proposed development would not have an unacceptably harmful effect on daylight and sunlight for occupiers of No 122 Shooters Hill Road. While this matter had formed part of the second reason for which planning permission was refused, the Council’s appeal statement indicated that it no longer wished to contest that point; this is reflected in the main issues which I have identified.

Main Issues

6. The main issues are the effect of the proposed rear extension on:
 - The character and appearance of the host property, a locally-listed building, and on the Sun in the Sands Conservation Area; and
 - Living conditions for the occupiers of the neighbouring property at 122 Shooters Hill Road, with particular regard to outlook and whether or not it would lead to an unacceptable sense of enclosure.

Reasons

Character and appearance

7. The appeal property is the eastern house of a semi-detached pair on the southern side of Shooters Hill Road. It has three storeys plus a basement level and, although built as a single dwelling, at some point in the past it was converted into two self-contained units.
8. The site is within the Sun in the Sands Conservation Area (“the SISCA”), and I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the Framework states that they should be conserved in a manner appropriate to their significance (paragraph 189). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 200) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 202).
9. The 2007 SISCA Character Appraisal (“the CA”) explains that the SISCA is a small residential area which grew up around the 18th century Sun Inn. It describes the special historic and architectural interest of the SISCA as being derived from, among other things, the survival of a substantial number of buildings from the 1840s (as well as a good selection of buildings from subsequent periods of development), the diversity of uses including different classes of residential accommodation, and the survival of much of the original grain and plot boundaries. From all the evidence before me, including my observations on my site visit, these characteristics are important factors in establishing the significance of the SISCA.
10. The appeal property lies within the locally-listed group of 112–130 Shooters Hill Road and is therefore considered to be a non-designated heritage asset

("NDHA"); its status as such is not a point of dispute between the main parties. The group dates from 1864 and 1865, and the Royal Greenwich Local Heritage List describes various architectural elements which contribute to its significance including projecting stuccoed bays and porches with cornices and open balustrades over, and round headed windows to first floors. The appeal property, and the wider group of which it is part, makes a positive contribution to the character and the significance of the SISCA.

11. The appeal property currently has a rear extension, which is slightly over half as wide as the main dwelling, and which accommodates the ground floor kitchen. Between the extension and the boundary with No 122 is a raised timber terrace projecting to around half the depth of the extension, with steps beyond down to the rear garden; this terrace is accessed from the ground floor dining room. The kitchen extension does not have a room at lower ground floor level; instead, there is a low-height open-sided space which I saw was being used for the storage of assorted garden paraphernalia. I understand the extension to date from some point in or around the 1980s. No 122 has an extension which is of similar design, details, and proportions, although it is not identical.
12. The existing extension would be replaced with a two-storey extension across the full width of the appeal property. This would accommodate a double-height kitchen and dining space, connected internally to reconfigured living rooms at lower-ground and ground floor levels. The extension would be of weathered stock brick to match the existing building, with steel-framed (Crittall-type) windows and doors. The right hand two thirds of the rear elevation (as viewed from the rear garden) would have a large, glazed infill incorporating two pairs of French doors; the third nearer to No 122 would be slightly recessed and would have a single tall window. The whole extension would have a flat green roof.
13. The extension would be wider and marginally taller than the one it would replace. While I note the Council's concerns about the proposed extension's height and bulk, No 124 is a substantial building which, because of the basement level and the gentle slope of the land, is viewed as a four-storey building at the rear. Set against the host property in this context, the proposed extension would not be a disproportionately bulky addition to the building. Furthermore, the appeal property (in common with its neighbours) has a back garden of generous length, which would provide sufficient space for the building as a whole to be viewed without the extension being an intrusive or dominant feature. The extension would follow the angled boundary between the appeal property and No 122, and so would get slightly wider towards the rear. However, from anything other than the closest viewpoint the taper would be likely to be barely discernible, and in general it would not give the extension a bizarre or incongruous appearance.
14. The proposed windows would differ in form and proportions to the traditional sash windows which are prevalent throughout the SISCA, and which are still in place on the front elevation (and the top two floors at the rear) of the appeal property. However, the two lowest rear floors of the appeal property (including the existing rear extension) currently have unsympathetic uPVC windows and doors, and the raised extension itself is a cumbersome and awkward addition to the building. The loss of the existing extension would not in itself be harmful to the appeal property – the features of No 124 and its group which are of the greatest significance in its status as an NDHA and which make the greatest

positive contribution to the SISCA (as I have set out in paragraph 9 above) are on the front elevation; these would not be altered by the proposed development.

15. I agree with both main parties that the large four-storey rear extension at Nos 118–120 Shooters Hill Road to which they drew my attention (and which I was able to see on my site visit) is, because of its bulk and detailing, an unsympathetic and detrimental feature in the area. However, the scheme before me is very different in the quality of its design and detailing and, while the proposed extension would undoubtedly read as a contemporary addition, its scale, form, and materials (including those of the fenestration) would be sympathetic to the host building. Taking all of this together, I consider that the historic significance of the appeal property as an NDHA would be preserved, and the positive contribution it makes to the SISCA would not be compromised.
16. I therefore conclude that the proposed development would not harm the character or appearance of the appeal property, a locally-listed building, and that the character and appearance of the SISCA would be preserved. The proposal therefore complies in these respects with Policies DH1, DH3, DH(h) and DH(j) of the 2014 Royal Greenwich Local Plan: Core Strategy with Detailed Policies (“the RGLP”), and with Policies D3 and HC1 of the London Plan 2021. Among other things, these policies seek to ensure that development is well-designed and takes account of the architecture of surrounding buildings, and that heritage assets including Conservation Areas and locally-listed buildings are protected and enhanced. As I do not find that the development would cause harm to designated heritage assets, it is not necessary to apply the public benefit test set out in paragraph 202 of the Framework.

Living conditions

17. The outlook from three windows serving rooms on the ground and lower ground floors at the back of No 122 is already constrained by that property’s rear extension and the boundary wall with No 124 (and also, in the case of the lower ground floor window, by the raised deck at the rear of No 122). The appellant’s statement suggested that the two windows at ground floor level of No 122 are secondary side windows, but the plans in the DSA show that they serve much of a large L-shaped room (incorporating the kitchen but which, because of its generous size, it seems reasonable to assume also performs other functions). The lower ground floor window serves a bedroom.
18. The already restricted outlook from those neighbouring rooms would be further limited by the height and length of the proposed extension, as well as by it following the angled boundary line between the two properties. The two first floor windows would look out into a narrow “tunnel” between the two extensions. The proposed extension would therefore increase the sense of enclosure in those rooms at the rear of the neighbouring property.
19. That there is already some “tunnelling effect” caused by the existing outriggers and extensions does not justify allowing further significant harm to living conditions. While the current occupiers of No 122 have expressed support for the appeal proposal, the proposed extension would be likely to be in place for a very long time, and I have a duty to consider the potential impact on future neighbouring occupiers.

20. I conclude that the proposed extension would lead to a detrimental loss of outlook and an unacceptable sense of enclosure for the rooms at the rear of No 122, and this would be harmful to living conditions for occupiers of the neighbouring property. The proposal therefore conflicts with Policy DH(b) of the RGLP which seeks to protect amenity for neighbouring occupiers by ensuring that, among other things, development does not result in an unneighbourly sense of enclosure.

Other matters

21. It is apparent that the property has been occupied as a single dwelling since it was bought by the appellant and her family in 2010, with the internal works necessary to facilitate this having been carried out shortly afterwards. The Council considered that the reconversion of the building from two dwellings to one larger family dwellinghouse would be acceptable in planning terms. None of the evidence before me leads me to a different view.
22. The Council did not raise any concern with some elements of the scheme (landscaping and so on), but these appear to intrinsically linked to the construction of the extension. However, the package of physical works as a whole is not necessary to enable the change of use to take place. While I have not been specifically requested to consider issuing a split decision in this appeal, given the circumstances of the case I see no good reason why planning permission for the change of use element of the scheme should not be granted, thereby "regularising" the appellant's position in that respect.

Conditions

23. As the change of use element of the proposal has already commenced and does not include any physical alterations to the property, I consider that no conditions are necessary.

Conclusion

24. I have found that the proposed extension would not be harmful to the character and appearance of the area. However, it would be harmful to neighbours' living conditions, and would therefore conflict with the development plan taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan.
25. The change of use of the appeal property to a single dwellinghouse, which has already taken place, is acceptable; that element of the proposal accords with the development plan taken as a whole. The change of use is clearly severable from the physical works proposed.
26. For the reasons given above, I therefore conclude that the appeal should be dismissed insofar as it relates to the proposed rear extension and other related physical works (landscaping, new side gate and other alterations). Insofar as it relates to the change of use to a single dwellinghouse, I conclude that the appeal should be allowed.

M Cryan

Inspector