



Appeal Decision

Site visit made on 19 May 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/E5330/W/22/3311971

68 Eglinton Hill, Greenwich, Plumstead SE18 3NR

- 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 Milton Developments London Ltd. against the decision of Royal Borough of Greenwich.
 - The application Ref 22/1161/F, dated 1 April 2022, was refused by notice dated 26 August 2022.
 - The development proposed is the construction of a single storey 1-bed dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are 1) whether or not the proposed development would provide acceptable living conditions for future occupants with specific regard to privacy and outlook, and 2) the effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions – future occupants

3. The appeal site comprises an area of land to the rear of 68 Eglinton Hill which is a two-storey terraced property that has been subdivided into flats. It is located in a predominantly residential area. Eglinton Hill is predominantly made up of large dwellings with grand bay windows. The proposed development would however front onto Brent Road, to the rear of the property, where there is a wider variation of property styles and sizes. From those I was able to observe in the surrounding area, there is a relatively good standard of outlook and privacy afforded to the occupants of existing residential properties.
4. The appeal site slopes significantly downward towards Brent Road at the rear. Although the proposed dwelling would be level with street-level of Brent Road it would be sunken into the appeal site somewhat and sit beneath the host property.
5. On the matter of the levels of privacy afforded to the future occupants of the development, the rear elevation of the dwelling would range from between 7 metres to 10 metres from the rear out-rigger of no. 68 with the remainder of the existing building being set slightly further back.
6. The rear elevations of nos. 66 and 68 contain a number of habitable room windows, as does the rear elevation of the proposed development. The

appellant has outlined a number of measures that are proposed to address the matter of privacy for future occupants. These include the installation of louvred screens above the windows in the rear elevation of the proposed development, the installation of a high boundary treatment and tree planting either side of the resulting boundary. These measures have been shown in conjunction with the slope of the land in the proposed cross section drawing.

7. The combination of the measures outlined above would ensure that there are not unacceptable levels of privacy due to overlooking for future occupants of the dwelling. Nevertheless, due to the very close proximity between the existing dwellings and the proposed dwelling, in combination with the elevated siting of nos. 66 and 68, there would be an inevitable, and ever-present, perceived sense of overlooking particularly when future occupants make use of the outdoor area. This would cause a moderate level of harm in terms of the privacy afforded to future occupants. I do not consider that proposed landscaping, which would take time to become established, would overcome the harm.
8. In terms of outlook from the dwelling, this would primarily be from windows in the rear elevation. The outlook from the bedroom would be severely restricted due to the measures that have been proposed to address its privacy. The louvred screens and proximity of proposed boundary treatments, compounded by the level changes would create a confined and oppressive outlook. I do not consider that the harm I have identified could be addressed through the imposition of planning conditions.
9. I therefore find that the proposed development would fail to provide acceptable living conditions for future occupants. It would be contrary to Policies DH1 and H5 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014) and Policies D3 and D6 of The London Plan (2021) which require, amongst other things, that housing developments are of high quality and deliver appropriate outlook, privacy and amenity.
10. The development would also be contrary to the requirement of the National Planning Policy Framework (2021) (the Framework) that developments should ensure a high standard of amenity for future users.

Character and appearance

11. Although the appeal site is within land associated with Eglinton Hill, the proposed development would appear as part of the Brent Road street-scene. Brent Road is made up of various building styles and designs. This includes flat roofed blocks of flats, traditional housing and housing of a more contemporary design, such as the housing at nos. 25-35. The proposed dwelling would be sited adjacent to a relatively mundane flat roofed garage.
12. The proposed dwelling would be for the most part constructed in yellow brick. This would match that used in the adjacent housing development and in the rear elevations of properties on Eglinton Hill. The material would be appropriate in the context.
13. The dwelling would be sited at the footpath edge. Whilst this is not a clear characteristic of Brent Road, it would align with the adjacent garage and given the low scale of the development, it would not appear unduly prominent or dominant.

14. The design would also be unique in this context, with no buildings of a similar design in the surrounding area. Given the variation in building styles I have identified above, I do not consider that this would cause harm, and there are several elements of the design such as the brickwork pattern and formation, roof design, fenestration and sedum roof that contribute to a building design which is of high quality, despite its contrast with the surroundings.
15. The Council have referred to the fact that the dwelling would span the width of the site. Whilst this may be the case, a high fence currently spans the width of the site and owing to the low-level nature of the design, that would sit well beneath the more visually dominant properties of Eglinton Hill behind it, I do not consider there would be unacceptable harm caused in this regard.
16. The proposed development would therefore not cause harm to the character and appearance of the area. It would comply with Policies DH1, H5 and H(c) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014) and Policy D3 of The London Plan (2021) which require, amongst other things, that developments are of high-quality design, having regard to matters including, topography, surrounding buildings, scale, height, bulk and massing, whilst promoting local distinctiveness by providing site specific design solutions.

Other Matters

17. The appellant has referred to favourable pre-application discussions that took place with the Council. Whilst it is understandable that the appellant may be frustrated that the outcome of their planning application was different to that indicated at the pre-application stage, such discussions are nevertheless without prejudice to the formal decision of the Council. I therefore give this limited weight in the appeal.
18. I note representations refer to the current condition of the site and that they consider the proposed development will improve its appearance. I observed that the land to the rear was somewhat overgrown and could be improved. I am not however convinced that the proposed development is the sole means of achieving this and I therefore give it limited weight in the appeal.
19. The appellant has referred to an appeal¹ at land to the rear of 67 & 67A Eglinton Hill that was allowed. Although I have been provided with a copy of the decision and some details, I do not have full details of the case to draw comparison with the appeal site. From the evidence, the site does however appear to be quite different to the appeal site, not least that it is larger than the appeal site, and I therefore give the decision limited weight.
20. The proposal would deliver one additional dwelling that is in a sustainable location. It would result in a very minor increase in the Council's overall housing number. It would also bring a small number of additional residents to the area who would contribute to the local economy. These are benefits of moderate weight in favour of the appeal.
21. I have nevertheless identified that it would conflict with those policies designed to deliver acceptable living conditions. These policies are consistent with the aims of the Framework in terms of ensuring high standards of amenity. This alignment increases the weight given to the policy conflict. Therefore, the

¹ APP/E5330/W/21/3269946

conflict with those policies results in the development conflicting with the development plan when taken as a whole.

22. Paragraph 11 d) of the Framework requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, developments should be granted planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. This applies to applications involving the provision of housing in situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, which is applicable in this case.
24. In terms of the proposed development, the starting point is therefore that permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits.
25. In this case, the adverse impacts of the proposal in terms of the failure to provide acceptable living conditions for future occupants, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. These policies include a requirement for development to deliver high standards of amenity.
26. The proposal does not therefore benefit from the presumption in favour of sustainable development given by paragraph 11 of the Framework.

Planning Balance and Conclusion

27. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
28. The outcome of the Framework paragraph 11 d) process above indicates that the decision should be taken in accordance with the development plan.
29. The proposed development would result in a very minor increase in the Council's overall housing number and would be in a sustainable location. It would also bring a small number of additional residents to the area who would contribute to the local economy. I give these matters moderate weight in favour of the proposed development.
30. However, the failure to provide acceptable living conditions for future occupants, attracts significant weight that outweighs the benefits associated with the proposed development.
31. The proposed development would therefore conflict with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
32. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR