



Appeal Decision

Site visit made on 18 April 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 JULY 2023

Appeal Ref: APP/E5330/W/22/3307180
7 & 9 Bebbington Road, London, SE18 1QX

- 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 Gezim Gjelij against the decision of the Royal Borough of Greenwich.
 - The application Ref 21/4578/F, dated 29 December 2021, was refused by notice dated 21 March 2022.
 - The development proposed is construction of single storey infill rear extension, L shaped rear dormer with Juliet balcony and installation of two front roof lights, conversion of single dwelling into 1 x 1 bed and 1 x 2 bed self contained flats with associated refuse storage and cycle storage to no. 7 Bebbington Road. Construction of single storey infill rear extension, L shaped rear dormer with Juliet balcony and installation of two front roof lights, conversion of single dwelling into 1 x 1 bed and 1 x 2 bed self contained flats with associated refuse storage and cycle storage to no. 9 Bebbington Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon the supply of small to medium sized family housing; and upon the character and appearance of the area.

Reasons

Small to medium sized family housing

3. The appeal site is located within a residential area, close to a primary school and comprises a pair of original two storey, three bedroomed mid-terraced houses.
4. Policy H10 of the London Plan 2021 (LP) refers to housing mix, and (among other things) requires decision makers to have regard to the ability of new development to reduce pressure on conversion, sub-division and amalgamation of existing stock; the need for additional family housing; and the role of one and two bed units in freeing up existing family housing.
5. Policy H2 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 (RGLP) sets out that a mix of housing types and sizes will be required in all development including conversions and should contain a proportion of 3, 4 and 4+ bed units. The policy also sets out that the mix will vary according to the location of development and the character of the

- surrounding area and will be affected by factors, including the need to protect small and medium sized family dwellings from sub-division and conversion.
6. Consequently, these policies demonstrate that a balance must be struck between the housing needs of different groups within the borough and across London, in order to ensure mixed and inclusive communities.
 7. Both of the host properties have a net floor area of some 109sq.m. Due to the original form of the host properties, their location as part of a terrace, and their net floor area being substantially less than 130sq.m, the proposed development would not comply with the first part of Policy H(b) of the RGLP, which does not permit sub-division of original terraced properties with less than 130sq.m net floor area, in order to protect small and medium sized family dwellings and the local environment.
 8. The second part of Policy H(b) sets out that sub-division of residential property will be permitted if certain criteria are all fulfilled. Even if the proposal were to satisfy all of these criteria, this would not set aside the requirements of the first part of the policy. Furthermore, the supporting text to the policy clearly sets out the vital role of small and medium sized family dwellings in meeting housing needs; and that the policy is tighter for terraced properties in recognition of the need to retain medium sized terraced properties for family accommodation in areas of conversion pressure.
 9. While the proposal would provide four smaller units of accommodation to support housing choice, it would not result in the provision of any units of three bedrooms or more. It would result in the loss of two small-medium sized family units. Thus, the proposal would undermine the ability to meet a more pressing housing need for small and medium sized family housing within the borough and across London.
 10. The appellant suggests that there are many properties in the area that have been converted to self-contained flats, although I am not provided with any examples, nor the circumstances that may have led to them being acceptable. Even if I were to accept the appellant's position, a further conversion would add to the conversion pressure upon small and medium family sized dwellings.
 11. I therefore conclude that the proposed development would result in the unacceptable loss of small to medium sized family housing. It conflicts with Policy H10 of the London Plan 2021; Policies H2 and H(b) of the RGLP; and the Royal Borough of Greenwich Supplementary Planning Document: Residential Extensions, Basements and Conversions Guidance (SPD). Taken together, these policies and guidance seek to meet housing needs and deliver mixed and inclusive neighbourhoods; to meet the need for additional family housing; and to protect small and medium sized family dwellings from sub-division and conversion. It also conflicts with paragraph 60 of the National Planning Policy Framework (the Framework), which seeks to ensure that the needs of groups with specific housing requirements are addressed.
 12. The Council referred to Policy H2 of the LP in its reason for refusal. This policy seeks to increase the rate of housing delivery from small sites, and the supporting text sets out that incremental intensification of existing residential areas, including residential conversions, will play an important role in this regard. While I acknowledge that the supporting text also sets out that boroughs may require the provision of family sized units (3 bed+units), the

policy itself does not directly relate to the proposed development in regard to this main issue.

Character and appearance

13. The area is characterised by predominantly two storey terraced properties with two storey rear outrigger projections, and rear yards/gardens in a back-to-back formation. The proposal includes various elements, including single storey rear extensions and rear dormers to each property.
14. The proposed single storey rear extensions would not project beyond the depth of the existing outrigger. Due to their siting, scale, height, width and depth, they would appear as subservient to the host properties, and a suitable condition would ensure that materials would match the existing buildings. These elements of the proposal would therefore accord with the guidance within the SPD.
15. However, the proposed L-shaped rear dormers would appear as overbearing and dominant to their respective host properties, due to their full width, scale, height, width and depth, and their positioning within a pitched roof slope. Furthermore, along the section of Bebbington Road towards Gallosson Road, there is a gap in built form above ground level between the rear elevations of the terraced properties of Bebbington Road and the rear elevations of the properties along Gallosson Road. The rear elevations of the host properties are clearly visible at this point, and consequently the proposed rear dormers would be clearly seen from the public realm.
16. The appellant suggests that there are many properties within the area that have similar extensions, although no examples have been provided to direct my attention. At my visit, I saw the rear elevation to Nos. 17 and 19 Hector Street from a view across a play area at the corner of Bebbington Road as it turns towards Gallosson Road, and this included full width rear dormers. This example only served to demonstrate the incongruous and dominant appearance of such dormers within a pitched roofscape.
17. I therefore conclude that the proposed development would harm the character and appearance of the area. The proposal conflicts with Policy D3 of the LP; Policies DH1, DH(a), H5 and H(b) of the RGLP; and the SPD. Taken together, these policies and guidance seek (among other things) to ensure that development is of a high quality design, and positively responds and contributes to local character and distinctiveness; that the character and appearance of the surrounding area and buildings is not adversely affected by sub-division of residential property; that proposals for residential extensions (including other additions) should be limited to a scale and design appropriate to the building and locality; and that rear dormers do not detract from the character and appearance of the area.

Other Considerations

18. The appeal site benefits from planning permission¹ for single storey rear infill extensions to the host properties, and a lawful development certificate² (LDC)

¹ Reference 21/1597/F – 7 and 9 Bebbington Road approved 25/06/2021

² References 21/3019/CP – 7 Bebbington Road, approved 07/10/2021 and 18/4116/CP – 9 Bebbington Road, approved 15/01/2019

for proposed development to each of the host properties, which includes rear dormers.

19. I have limited details of these approvals, which does not include any decision notice or approved plans. There is a discrepancy between the evidence of the main parties with regard to the LDC for 9 Bebbington Road in that I cannot be certain that it includes a Juliet balcony³. Therefore, I cannot be certain that the appeal scheme before me includes elements that are identical to these approvals. In any event, the main parties agree that the proposed rear single storey extensions and proposed rear dormers in the appeal scheme benefit from approvals. Consequently, I have considered whether the approvals represent a fallback position.
20. There is no evidence before me to suggest that the approvals could not be implemented, except for the present appeal, and therefore this represents a legitimate fallback position. Even if the approvals were to demonstrate the same external appearance to the host properties as that resulting from the appeal scheme, this would be of equal harm to the appeal scheme in terms of the external appearance of the host properties. However, the appeal scheme includes subdivision, which results in a more harmful scheme than the fallback position, due to the loss of small to medium sized family housing. Therefore, the fallback position attracts little weight.
21. Interested parties have raised concerns in relation to privacy, noise and parking. Given the degree of separation to properties opposite the appeal site, there would be no significant loss to privacy or any overlooking resulting from the proposed rooflights in the front roof slope. The level of noise and disturbance from the proposed flats would be similar to that generated by two large family households. The proposed car free development is within an accessible location and within a car parking zone. If I were to allow the appeal, a suitable condition could be applied to restrict future occupiers being issued any parking permit, thus mitigating any further increase in parking stress.
22. The proposal would contribute an additional two units to the housing supply, and thus support the government's objective to significantly boost the supply of housing, although it would be a small contribution. It would also provide smaller units of accommodation to meet housing choice within a suitable and accessible location. As a brownfield site it would support the effective use of land, and as a small site, it could be delivered fairly quickly. These benefits would be limited.
23. The adverse impact I have identified is the unacceptable loss of small to medium sized family housing; and harm to the character and appearance of the area.
24. Paragraph 219 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. Paragraph 60 requires the needs of groups with specific housing requirements to be addressed, including families with children. Paragraph 62 sets out that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Paragraph 130 sets out that planning policies and decisions should ensure that developments are sympathetic to local character, and paragraph 124 seeks to

³ Appellant's Statement of Case: paragraphs 3.2, 4.3 & 9.18; Council's Planning History

ensure the efficient use of land taking into account the identified need for different types of housing, and the desirability of maintaining an area's prevailing character. In this regard, the development plan policies with which the development conflicts are in conformity with the Framework. I therefore afford substantial weight to the conflict with these policies.

25. The development therefore conflicts with the development plan as a whole, for the above reasons.
26. The Council is unable to demonstrate a five-year supply of land for housing, with a supply of some 3.1 years. Consequently, paragraph 11d of the Framework is engaged, whereby the policies which are most important for determining the application should be considered out of date. There are no policies within the Framework that would provide a clear reason for refusal. Therefore, in accordance with paragraph 11 d) ii of the Framework, planning permission should be granted 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.
27. The additional contribution to the housing supply would be small, even when set against the shortfall. The provision of smaller units of accommodation would assist in meeting the housing needs of different groups and provide housing choice in an accessible location. These benefits attract limited weight.
28. In the context of a pressing need across London and within the borough for family housing, the adverse impact I have identified with regard to family sized housing attracts substantial weight. The harm to the character and appearance of the area attracts moderate weight, even if I were to accept that the proposed rear dormers would be acceptable by virtue of any LDC.
29. Drawing together the above, the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The development therefore does not benefit from the presumption in favour of sustainable development as set out in paragraph 11 d) ii of the Framework.

Conclusion

30. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR