



Appeal Decision

Site visit made on 18 May 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2023

Appeal Ref: APP/E5330/W/22/3309405

Land Adjacent to 10A Masons Hill, London SE18 6EJ

- 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 Crown Coast (SE18) Limited against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 22/2187/F, dated 29 June 2022, was refused by notice dated 24 August 2022.
 - The development proposed is construction of a three storey building on site including mansard roofs to provide 3 no self-contained flats including boundary treatment, landscaping works and associated external alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) whether the proposal would provide a suitable standard of accommodation for occupants, in particular with respect to outlook, privacy and light to the ground floor unit, and the external amenity space for the upper floor units; and
 - iii) whether the proposal would provide adequate cycle parking.

Reasons

Character and Appearance

3. The appeal site is a vacant parcel of land towards the top of a short, steeply sloping residential street. The adjacent side of the street comprises two short terraces, a terrace of five to the bottom end and a terrace of eight, modest two storey dwellings which step up the hill. No 10A, immediately adjacent to the appeal site, differs slightly in its design, having a hipped roof and a two storey bay window to the front elevation.
4. The wider surroundings comprise a fragmented built form with a varied character. Modern blocks of flats and a place of worship stand on the opposite side of the street in an L-shaped arrangement. Terraced London townhouses line streets to the south and east. Another large place of worship and tall blocks of flats stand to the north and north-east and a more open character exists to the north-west, including an area of green space and a car-park.

5. The proposal is for a detached, three storey residential building with a flat mansard roof. The Council does not oppose the contemporary design approach in principle, nor does it argue that the larger footprint of the dwelling represents overdevelopment of the site, points I concur with having observed the varied built form within the immediate area. Rather, the Council's concern is specifically with the design of the proposed mansard roof and a triangular stairwell element to the side of the building.
6. There is variety to the surrounding roofscape, with the adjacent terrace having simple dual pitches, the townhouses on Crescent Road retaining their original butterfly roofs and several notable flat-roofed buildings. Despite this, mansard roofs are not characteristic and the proposal would be an isolated example, though I recognise that, in principle, a further different roof form may be capable of integrating into the wider townscape.
7. However, the building would be most readily observed as part of the built form on the eastern side of the street, where a more consistent pattern exists, with simple pitched roofs stepping gradually up the hill and the hipped roof of No 10A forming a distinctive terminating element of the roofscape of the terrace.
8. Rather than responding to the existing pattern, the proposed mansard would be a stark change in design. Its tall profile, naturally bulky form and the position of the appeal building on higher ground would combine to create a physically imposing roofscape that would not relate in form or scale to the adjacent pitched and hipped roofs of the terrace and would stand out conspicuously within the street scene.
9. This contrast would be seen clearly on the northern side of the building, where the mansard would not be hipped but the flank wall would extend to the full height of the building, creating an awkward juncture with the adjacent hipped roof of No 10A. Contrary to the appellant, I do not regard the design as comparable to the small sections of flank wall visible along the roofline of the adjacent terrace as the buildings step up the hill, as the full height of the wall would be visible at a scale which would appear physically dominant, looming over and visually jarring against the adjacent terrace.
10. On the other side, viewing downhill, the mansard would reflect the triangular shape of the stairwell section below. This would add to the prominence of the mansard roof when viewed from this side and would further exacerbate its jarring presence against the adjacent pitched roofscape.
11. The triangular stairwell section itself would represent a further novel feature, though I recognise this in part responds to the shape of the site. While the variety of the surrounding built form may allow such a building shape to be accommodated in principle, this section would include fenestration at different levels to the front elevation, including a second entrance, which would lend the building an uncoordinated appearance that would detract from the otherwise ordered and largely symmetrical design to the main front elevation. Though not as significant in visual impact as the mansard roof form, these design elements would add to the harmful effect of the building in the streetscene.
12. For these reasons, I conclude that the proposal would harm the character and appearance of the area, contrary to Policies D3 and D4 of the London Plan (March 2021) (the LP21) and Policies DH1, H5 and H(c) of the Royal Greenwich Local Plan Core Strategy (July 2014) (the LPCS), which together require high

quality new development that positively contributes to the improvement of the built environment, taking account of existing townscapes, layout, spatial character, topography, scale and massing. These policies are consistent with the aspirations for high quality design set out in the National Planning Policy Framework (the Framework).

Standard of Accommodation – Ground Floor Flat

13. The Council's concerns relate primarily to the quality of light to and outlook from the front and rear bedrooms of the ground floor unit. The main bedroom to the rear would have a single window opening onto a private sunken garden. The front bedroom window would stand very close to the front boundary wall, with the plans indicating that planting would be provided in between the wall and window to provide a privacy screen.
14. The appellant has provided an Internal Daylight Assessment (IDA) at appeal stage in response to the Council's concerns regarding the quality of light the ground floor flat would receive. The IDA indicates that both bedrooms would achieve sufficient daylight applying industry-recognised tests¹. I have no contrary evidence to dispute these findings.
15. I recognise that the windows in question would both serve bedrooms and that these may not be used with the same frequency as the main living area, but it is quite possible that in a smaller residential unit a bedroom may be regularly put to another use such as a home workspace or a playroom. Both windows would be set below the respective levels of the rear garden and street. The rear bedroom window would face towards the angled wall of the sunken garden at close range, offering little genuine outlook beyond upward glimpses of the sky. This would create a harmful sense of enclosure for occupants.
16. At the front, the need to provide screening, planting or otherwise, to prevent overlooking from the street would severely limit the outlook from the bedroom window. Contrary to the appellant, other ground floor windows in the street are set further back from the front boundaries, are larger in size and set above the boundary walls, such that they provide clear outlook over the street.
17. In both cases, the design would reduce the quality of the internal spaces and detract from the standard of accommodation. Although the kitchen window would offer an unobstructed view to the street, the rear patio doors to the living space would also have restricted view into the sunken patio and, overall, the rest of the unit would not offer a significantly better quality of outlook to compensate for the lack of outlook from the bedrooms.
18. I note the Council considered the sunken garden to be acceptable in size as a private amenity space and capable of having screening installed to protect privacy. However, such screening would need to be of considerable height and solidity to prevent views from the communal garden at the rear. This would potentially exacerbate the already limited outlook to the rear, as well as restricting sunlight and daylight. Without any such screening, the sunken garden and rear windows would be prone to clear overlooking from the communal garden beyond, which would potentially place severe limitations on the extent to which the external space and rear rooms could be comfortably used without constant use of blinds or other means to ensure privacy.

¹ Target Daylight Factor, pursuant to Building Research Establishment guidance 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (3rd edition, 2022) and BS EN 17037:2018.

19. For these reasons, I find that the proposed ground floor flat would fail to provide an acceptable standard of accommodation, contrary to Policy D6 of the LP21, and Policies H5 and DH1 of the LPCS, which together seek housing development of high quality design with comfortable and functional layouts which are fit for purpose. There would also be conflict with the Framework which expects development to create places with a high standard of amenity for existing and future users.

Standard of Accommodation – External Space

20. A communal garden area is shown on the plans for the use of the first and second floor flats. The Mayor's Housing Supplementary Planning Guidance (March 2016) (the HSPG) prescribes private outdoor space for each 1-2 person dwelling of a minimum of 5 square metres (sqm), plus 1 sqm for each additional occupant, with the space being and at least 1.5m in width and depth. The space should be of 'practical shape and utility.' In absolute terms, the space would exceed the size requirements of the HSPG, but the functionality of the space would be severely limited by its shape, as the site narrows sharply to the rear, with only a small, triangular section immediately beyond the sunken patio of the ground floor unit offering any genuinely usable space.
21. However, even this space would be limited in size, constrained in part by the fact that it would also serve as an access to the rear of the site, leaving space for a small amount of garden furniture and not much more. As a communal space, it would be impractical for use by the occupants of different flats at the same time. As such, it would fail to provide an adequate private external space for occupants of the upper floor flats. The internal floorspace of the first and second floor flats would only marginally exceed the minimum standards of the LP21 and would not offer a sufficient standard of accommodation to compensate for this lack of usable outdoor space.
22. On this issue, therefore, the proposal would conflict with Policy D6 of the LP21, Policies H5 and DH1 of the LPCS and the guidance of the HSPG, in terms of their requirements for private external space in new developments, and with the aforementioned aims of the Framework to achieve high standards of amenity in new developments.

Cycle Parking

23. Policy T5 of the LP21 requires new development to provide cycle parking that is fit for purpose, secure and well-located, in accordance with the minimum standards set out in Table 10.2. Based on the number of persons/bedrooms proposed, the development is required to provide 6 spaces. The plans show 5 hanging bike rack spaces within a storage area to the side of the building.
24. The Council points out that the bike store would be accessible from the street only via the communal staircase. Thus, cycle users would have to navigate through two doors and a flight of steps to access the store. This would require difficult, awkward manoeuvring that would in many cases deter people from regularly using cycles as a mode of transport. Moreover, I share the Council's concerns that the access route and the hanging storage arrangement would create added difficulty for children, older people or those with reduced mobility.
25. However, I note the appellant's comments that level access to the cycle store could be achieved with corresponding alterations to the layout of the adjacent

bin store. Based on the plans, there does appear to be sufficient space to achieve a more suitable cycle parking provision, and I am satisfied that such details could be secured by planning condition were the appeal to be allowed.

26. On this basis, I find no conflict with Policy T5 of the LP21 or Policy IM(b) of the LPCS in terms of their requirements to provide suitable cycle parking to encourage more sustainable modes of transport.

Other Matters

27. The Council did not refuse permission in respect of other matters including neighbours' living conditions, ecology, parking, waste and recycling and sustainability. I also have noted other concerns raised by interested parties, including land stability, risks of subsidence, questions of land ownership, effects on trees and local facilities, construction impacts and crime risk, though the evidence before me is limited in respect of many of these matters. From all I have seen and read, I have not identified other material benefits or harms arising in any of these matters that should be weighed in the planning balance. Therefore, it is not necessary to address these in further detail as they would not alter the outcome of the appeal.

Planning Balance and Conclusion

28. The Council accepts that it is unable to demonstrate a five year supply of deliverable housing sites, with supply indicated to be 3.1 years. Therefore, pursuant to paragraph 11(d) of the Framework, the presumption in favour of sustainable development is engaged.
29. The proposal would deliver an additional three residential units in an accessible location at a time when the Council cannot demonstrate a sufficient supply of deliverable housing sites, a benefit weighing strongly in favour of the proposal in the circumstances. There would also be limited benefits in terms of the economic activity generated in the construction of the development and subsequently by occupants in patronising local businesses.
30. Set against this, I have found that the proposal would cause demonstrable harm to the character and appearance of the area and would fail to provide acceptable standards of accommodation. This results in conflicts with the development plan and the guidance of the Framework, to which I afford significant weight.
31. Overall, in the context of paragraph 11, the adverse impacts associated with granting planning permission would significantly and demonstrably outweigh the benefits, when considered against the policies of the Framework, taken as a whole. Consequently, the Framework does not indicate that permission should be forthcoming, and there are no other material considerations that would justify a decision being made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR