



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: 13 July 2023

Appeal Ref: APP/E5330/W/22/3310027

53 Bournbrook Road, Kidbrooke, Greenwich SE3 8LL

- 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 Mark Chart against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 22/0735/F, dated 28 February 2022, was refused by notice dated 16 June 2022.
 - The development proposed is a new build 1 bed property within the site of 53 Bournbrook Road adjacent to the existing dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues 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 and iii) whether the proposed dwelling would achieve requirements to be accessible and adaptable.

Reasons

Character and Appearance

3. The appeal relates to a semi-detached dwelling at one end of a short terrace of four within an established suburban residential area. These short terraces are characteristic of the surroundings, with those at the junctions of streets standing perpendicular to each other, separated by side gardens and areas of green open space on the corners which contribute to a sense of spaciousness. Some side extensions and outbuildings exist to other corner properties, but at generally modest scales that retain space to the sides of the dwellings.
4. The proposal seeks to extend the dwelling to one side to form an additional, separate dwelling. The extension would stand partly two storeys with a hipped roof reflecting that of the existing dwelling, with a further flat roofed, single storey element to the side that would have a triangular shape reflecting the side boundary lines of the site.
5. The Council does not oppose the two storey element, noting that it reflects a proposal recently allowed on appeal. Rather, it takes issue with the single storey element. The Council's Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document (2018) (the REBCG) sets out that side extensions should remain secondary in size and appearance

- and that on corner plots the extension should be set back one metre from the boundary to maintain the open aspect and protect the character of the street.
6. The Council argues that the single storey extension conflicts with these requirements, due in particular to its height, unsympathetic flat roof form and lack of sufficient setback from the boundary. The appellant argues that the Council has permitted a similar design nearby at 45 Meerbrook Road, though the Council points to differences between this scheme and that now sought.
 7. The main two storey element would maintain the overall shape and form of the terrace, effectively extending it by one dwelling. The layout of the dwellings is spacious, with the open space to the side of the site on the street corner physically separating the terrace from that on Crossbrook Road. There is sufficient room, therefore, for the two storey extension of the terrace without it appearing cramped within the site or against the adjoining terrace. In longer views along the street, the two storey element would maintain the overall form and appearance of the terrace, whilst respecting the general pattern of development within the area.
 8. However, the angular form and flat, green roof of the single storey element would be uncharacteristic features of the immediate surroundings. Unlike the two storey element, it would upset the consistent form of the terrace and appear as an awkward addition that would not reflect or respect the prevailing pattern of the built form. Moreover, the massing of the extension would also extend very close to the site boundary, in conflict with the REBCG guidance. As a result, and due to the lower ground level of the adjacent open space, the extension would appear as a physically imposing, bulky feature that would effectively fill the space up to the boundary fence and create an impression of an excessive quantum of development squeezed onto the site. This would be particularly noticeable when viewed in context with the more spacious layouts of other dwellings on the street corners that retain clear space between the respective terraces. The development would erode this space that contributes positively to the open, suburban character of the area.
 9. I recognise that there are some similarities with the form of the extension at Meerbrook Road, but this is a single example several hundred metres away. Moreover, I saw this development on site and noted that both dwellings on the corner had been extended, narrowing what was already a smaller gap between them than is the case at the appeal site. Consequently, the triangular single storey element appears as an infill structure between the terraces and does not have the same physical or visual presence as the current appeal scheme would, particularly due to it being positioned on higher ground than the surrounding public realm and appearing conspicuous in the street scene as a result.
 10. I also acknowledge that the allowed appeal scheme represents a fall-back position for the appellant. However, that scheme was to extend the existing dwelling at No 53, not create a new dwelling, and notably does not include the single storey element found to be harmful for the reasons set out above. As such, the permitted scheme would not present an equivalent or greater degree of harm than the appeal scheme. Consequently, this fall-back scheme would not justify granting the appeal proposal and is not a matter attracting favourable weight in the planning balance.
 11. For these reasons, I find that the proposal would harm the character and appearance of the area, contrary to Policies D3 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

12. The Council points to the dwelling not having a second WC/shower room as required by the Technical housing standards – nationally described space standard (March 2015) (the NDSS). Policy D6 of the LP21 also refers to these standards. Both documents contain the same note regarding the minimum gross internal areas (GIA) for development, namely that the GIAs set out in Table 1 of the NDSS and Table 3.1 of the LP21 for two and three storey dwellings include enough space for one bathroom and one additional WC (or shower room). The indication is that the minimum GIAs should be large enough to accommodate a second WC/shower room, but read plainly, it is not a requirement that such dwellings must provide one. Moreover, nowhere else in the policies and guidance referred to me does it stipulate that a second WC/shower room must be provided, albeit in this case there would appear to be ample space on the ground floor to provide a small WC without unacceptably reducing the kitchen/living space.
13. Separately, the Council points to the upper storey having a floor-to-ceiling (FTC) height of less than 2.5 metres, resulting in the dwelling falling below the requirement of Policy D6 for a 2.5 metre height across 75% of the floorspace. The first floor FTC height would be 2.43 metres. This is a very modest shortfall against the standard and none of the rooms at this level would have sloping ceilings or otherwise restricted space, but would have adequate floorspace, light and ventilation. As such, the slight shortfall in ceiling height in this case would not result in a poor quality environment for future occupants.
14. For these reasons, I find no conflict with Policies D6 of the LP21 or Policies H5 and DH1 of the LPCS, the guidance of the NDSS or that of the Mayor's Housing Supplementary Planning Guidance (March 2016), in terms of the standard of accommodation expected of new development.

Accessibility and adaptability

15. Policy D7 of the LP21 requires all dwellings to accord with optional requirement M4(2) of the Building Regulations. The Council's Housing Occupational Therapist has commented on a number of potential conflicts with the requirements of M4(2), based on the detail given on the plans. The Council has expressed doubt as to the capability of the development achieving compliance with the requirements. However, the proposal would be a new build, with a largely open plan layout on the ground floor, and there is no specific evidence on site that requirements such as level access could not be achieved.
16. Moreover, M4(2) requires provision of a WC and basin at the entrance storey, which is not shown on the plans. However, as already indicated, the open plan layout of the ground floor could be altered to include a WC to meet the requirements of M4(2). In this particular case, therefore, I find nothing fundamental about the design that could not be addressed by way of a

planning condition. Indeed, the Council has suggested a condition requiring details to be provided to demonstrate compliance with M4(2).

17. Therefore, I am satisfied that the proposal is capable of achieving compliance with optional requirement M4(2) of the Building Regulations, in accordance with Policy D7 of the LP21. The Council also cites Policies H5 and DH1 of the LPCS, but these do not contain specific requirements relating to M4(2).

Other Matters

18. A neighbouring occupant raised concerns over the potential impact of the development on trees and other planting within their garden. The Council indicates that had it granted permission, it would have required an arboricultural impact assessment (AIA) to manage the potential impact on these trees. As the extension would be set back from the boundary with this neighbour and having observed the size and position of trees in the neighbour's garden, I am satisfied that an AIA submitted by condition would be capable of identifying the impacts on these trees, and where necessary setting out any protection and mitigation measures to be put in place during construction.
19. The Council did not refuse permission in respect of other matters including neighbours' living conditions, parking, cycle storage, waste and recycling and sustainability. From the evidence before me, I have not identified other material benefits or harms arising in these matters to 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.

Conclusion

20. 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.
21. The proposal would deliver an additional dwelling 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 modest benefits in terms of the economic activity generated in the construction of the dwelling and subsequently by occupants in patronising local businesses. Set against this, I have found that the proposal would cause demonstrable harm to the character and appearance of the area. This results in conflict with the development plan and the guidance of the Framework. I afford significant weight to this conflict.
22. 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