



Appeal Decision

Site visit made on 27 July 2023

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2023

Appeal Ref: APP/E5330/D/23/3320493

16 Kings Orchard, Eltham, Greenwich SE9 5TJ

- 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 David Cooper against the decision of the Royal Borough of Greenwich Council.
 - The application Ref 22/3792/HD, dated 13 November 2022, was refused by notice dated 23 January 2023
 - The development proposed is construction of two storey rear extension, change of use of existing garage to habitable room and infill extension between the existing property and garage building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision notice gave 2 reasons for refusal, the second of these related to discrepancies of given dimensions between drawings. As part of their appeal submission the appellant has submitted a revised set of drawings with consistent given dimensions. Given that the Council and other interested parties have had opportunity to comment on these corrected and consistent plans, I have accepted the drawing as a correction in line with the Wheatcroft principles¹. As such, I am satisfied that this resolves the Council's second reason for refusal.

Preliminary Matters

3. As the description of development varies between the documents submitted, I have used the description from the council's decision notice as this is an accurate and concise description and has been used by the appellant for their statement.

Main Issue

4. The main issue is the effect on the character and appearance of the appeal dwelling and that of the local area, with reference to the Eltham Palace Conservation Area (the CA).

¹ Ref: Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Reasons

5. The appeal dwelling is a detached two storey house, with generous front and rear gardens. It is located on a street of similar detached properties. The special historic interest of the CA is the palace, along with the surviving ancient landscapes together with the historic buildings and structures which contribute to its setting. The area of Kings Orchard is part of the CA where its historic landscape role and current open character contribute to the significance of the CA and its role in providing a setting to the palace.
6. The CA is a heritage asset to which I have a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I must pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
7. At approximately 9.1 metres wide, the proposed two storey rear extension would be the full width of the existing house and would project rearward by approximately 3.5 metres. This would have a roof that would hip with the existing hipped roof form of the appeal dwelling, but at its highest point would be set below the terminal height of the existing roof.
8. As the roof of the proposal would be lower than that of the main house and the proposal would be the full width of the appeal dwelling, this would result in the angle of the roof slopes of the proposed extension being of a shallower pitch than those of the existing roof to the appeal dwelling. The proposal would therefore not appear as an harmonious addition but to conflict with the appearance and character of the appeal dwelling. This would be evident in views of the proposal and the appeal dwelling from neighbouring gardens as well as in wider views.
9. Whilst I acknowledge that the appellant has sought to overcome the reasons for refusal of a previous application for rear extensions, the proposed two storey rear extension would be a substantial addition to the appeal dwelling and, although its roof would be set down from the roof to the existing dwelling, its scale and bulk would dominate its rear and would fail to appear as a subservient addition to the appeal dwelling. This bulk and scale would be accentuated by the incompatible roof form of the proposal. This would be evident in immediate and wider views of the rear of the appeal dwelling, where its scale and bulk would detract from the open spatial appearance and character of this part of the CA.
10. The proposed side extension would link to the existing garage, which would become a habitable space. Given the small scale and discreet location of this part of the proposal, I see no reason to demur from the Council's conclusion that this part of the proposal causes no significant harm to the character and appearance of the appeal dwelling and that of the local area. Lack of harm is, however, a neutral factor in my considerations.
11. The appellant has drawn my attention to an allowed planning appeal² for an extension to a house in a Conservation Area. However, I find little similarity in design between the appeal proposal, which includes a large rear extension and the scheme considered in this other appeal that related primarily to a side

² Appeal Ref: APP/E5330/D/22/3292407

- extension. This would have been considered on its own individual merits and I have done likewise in my consideration of the appeal proposal.
12. Whilst there are two storey rear extensions to other houses in this part of the CA, these do not appear to be bulky full width extensions and to have roofs which reflect the angles and forms of their host buildings. In this regard the proposal does not reflect the existing character and appearance of the local area.
 13. For these reasons, the proposed rear extension would appear as dominant and incongruous in relation to the appeal property and to detract from the spatial characteristics of the local area, thereby failing to reflect the significance of the CA. As such, the proposed extension would result in substantial harm to the character and appearance of the appeal dwelling and that of the local area.
 14. This would not accord with the design guidance given in the Royal Borough of Greenwich Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document (2018) and would be contrary to policies DH1 and DH(a) of the Royal Greenwich Local Plan: Core Strategy (2014) (the Local Plan), policy D3 of the London Plan (2021) (the London Plan) and paragraphs 130 of the National Planning Policy Framework (2021) (the Framework). These collectively seek to ensure that development, including extensions, demonstrate high quality design and integrate with the local area.
 15. Further, the excessive scale and incongruous effect of the proposed two storey rear extension would fail to preserve or enhance the character or appearance of the CA. Therefore, the proposed extension would conflict with policies DH3 and DH(h) of the Local Plan and policy HC1 of the London Plan and section 16 of the Framework, which collectively seek to ensure that development has due regard to the importance of preserving or enhancing heritage assets and conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.
 16. Although I find the harm to the CA that I have identified would be less than substantial, in accordance with the Framework, great weight should be given to the conservation of heritage assets. Whilst the proposal would result in a larger property with improved living conditions for its occupiers, these are substantially private benefits. I must give considerable importance and weight to the effect on the significance of the CA and substantial weight to the effects on the character and appearance of the appeal dwelling that I have identified. I consider that these benefits do not outweigh this harm.

Conclusion

17. The appeal is dismissed.

Victor Callister

INSPECTOR

