



Appeal Decision

Site visit made on 4 August 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2023

Appeal Ref: APP/E5330/D/23/3321412

35 Hartsmead Road, Greenwich, Eltham SE9 3LU

- 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 Richard Leahy of Mortimer Holdings Limited against the decision of Royal Borough of Greenwich.
 - The application Ref 23/0319/HD, dated 31 January 2023, was refused by notice dated 27 April 2023.
 - The development proposed is described as to reduce the depth of the existing outbuilding sited in the rear garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been carried out. I am therefore considering the appeal retrospectively.
3. The appellant's evidence sets out that they have not had sight of representations that were made on the planning application. During the appeal the appellant was provided with a copy of the representations and given the opportunity to comment on them.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The development subject to the appeal is an outbuilding situated to the rear of no. 35 Hartsmead Road which is an extended two storey, semi-detached property on the corner of Hartsmead Road and Chapel Farm Road.
6. The surrounding area is made up of predominantly two-storey residential properties. Some properties have small domestic outbuildings in their rear gardens.
7. The outbuilding is sited at the bottom of the rear garden. It has a pitched roof and windows on all elevations apart from the rear elevation. The plans show that it is 2.5 metres high to the eaves and 4 metres high to the ridge.
8. When viewed from Chapel Farm Road, the upper section and roof covering of the outbuilding, including its fenestration, are highly visible above the existing

boundary treatment. Due to its overall height, scale, mass, and siting, the building appears highly noticeable and incongruous in the street scene on this prominent corner plot. It competes with the established pattern of development in the wider area and appears excessive when considered against the height, scale and mass of the existing outbuildings in the street.

9. The appellant outlines how a 15-metre-deep garden remains between the rear of the host property and the outbuilding. I accept that in terms of retaining usable amenity space, the remaining amount is acceptable, however in terms of the wider character of the area, the presence of the outbuilding and the existing rear extension to the property do visually appear to take up a significant amount of the rear garden. When considered against the surrounding properties and the character of the wider area, this causes a minor degree of harm.
10. The development therefore causes significant harm to the character and appearance of the area. It is contrary to Policies DH1 and DH(a) 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, surrounding buildings, scale, height, bulk and massing; and that residential additions should be limited to a scale appropriate to the locality.
11. The development is also contrary to the Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document (SPD) (2018) which outlines that outbuildings must be sensitively designed and should not impact upon the open character of the surrounding area.

Other Matters

12. The appellant considers that the outbuilding complies with the requirements of the General Permitted Development Order. There is, however, no evidence to confirm that this is the case. The refusal of a Certificate of Lawfulness would also suggest otherwise. Whether or not the development is lawful is not a matter before me in this appeal, and there are other procedures available to establish whether or not the development is lawful. I have determined the appeal in accordance with the development plan, as is required.
13. The appellant has referred to an outbuilding that was granted planning permission at 724 Sidcup Road. Although I do not have full details of that case in order to give it significant weight in the appeal, the appellant has set out the dimensions of that building and the building subject to the appeal.
14. Whilst there are some similarities, the sites are in very different locations, with the outbuilding at the Sidcup Road property not appearing prominent in the street scene. Due to this fundamental difference, it is of limited weight in the appeal, which I have, in any event, determined on its own individual planning merits.
15. The appellant has referred to, what they consider to be, the unacceptable conduct of the Council. The planning history is set out and would have inevitably involved a large volume of interaction and correspondence between the parties. There is no evidence before me, however, to support the appellants claims. Either way, it would not be a reason to allow the appeal.

Conclusion

16. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR