



Appeal Decision

Site visit made on 14 August 2023

by J N Seymour BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2023.

Appeal Ref: APP/E5330/D/23/3316076

14 Philippa Gardens, Eltham, Greenwich, SE9 6AP

- 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 B Smith against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref: 22/3621/HD, dated 1 November 2022, was refused by notice dated 16 December 2022.
 - The development is described as: 'Proposed granny annexe'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of development on the character and appearance of the area of the host property and the surrounding area.

Reason

3. The appeal proposal comprises the construction of a single-storey outbuilding in the rear garden of a semi-detached dwelling which would serve as ancillary accommodation containing a bedroom, shower room, living room, kitchen and a study. This would allow for independent living with, theoretically, no dependence on the main dwelling being required, although the appellant has confirmed they would be satisfied with a planning condition to ensure the outbuilding remains ancillary to the main dwelling and not to be used as an independent residential planning unit. I have determined the appeal on this basis.
4. The outbuilding would be constructed with a felt flat roof and with block render cladding for the walls. This would contrast with the materials used for the main dwelling, which was built with brick and pebble dash render walls and clay tiles for the roof. The design and appearance of the outbuilding would give it a utilitarian, rather than a domestic, appearance which would be exacerbated by its large size, encompassing almost the entire width of the rear garden. The outbuilding would have a dominating impact on the host dwelling because of its proximity and the fact its private amenity space would be significantly reduced.
5. Paragraph 5.21 of the Council's Residential Extensions, Basements and Conversions Guidance SPD 2018 (SPD) provides guidance specifically for the construction of outbuildings, stating that they should be in proportion to the original house and garden, and they must be sensitively designed. Based on the submitted drawings, the proposed outbuilding would be approximately

9.4m wide and in places up to 8m in depth. The Council maintain that the footprint of the outbuilding would be greater than the main dwelling. As a result of its significant size, the proposal would be disproportionately large and conflict with the guidance in the SPD.

6. The appellant states that the principle of development is well founded, that the scheme would be typical of other large outbuildings found at neighbouring properties and is in keeping with the surrounding urban area. However, I have not been provided with any information relating to the size or circumstances which lead to the construction of other outbuildings nearby. Furthermore, the presence of other outbuildings elsewhere does not justify granting planning permission for the scheme before me, which, by reason of its size, design and proposed materials would not complement the architecture of surrounding buildings and would make a poor contribution to the built environment.
7. Meanwhile, the appellant has highlighted the provisions of the General Permitted Development Order as a potential fallback position for justifying the outbuilding in terms of it being less than 50% of the external area surrounding the dwelling. However, for a fallback position to be a relevant material consideration, the basic principle is that it must be a real prospect and for the prospect to be real, there must be a greater than theoretical possibility that the development might take place.
8. The appellant concedes that the outbuilding does not fully comply with all the relevant permitted development criteria. Despite being less than 50% of the external area surrounding a dwelling, the fact that it fails on other criteria means the fallback position is not even a theoretical possibility in this case, therefore it is not considered a real prospect and no weight can be attributed to this in the determination of this appeal. Consequently, with no other evidence to persuade me otherwise, I concur with the Council that the outbuilding in terms of its floor area would be disproportionate to the size of the main dwelling, therefore it conflicts with the SPD.
9. I recognise that the outbuilding would provide accommodation for the appellant's parents. I have given these personal circumstances very careful consideration, but unfortunately, I do not consider that they outweigh the harm that I have already identified above.
10. I therefore conclude that the poor design of the outbuilding would result in a harmful effect on the character and appearance of host property and the surrounding area. Therefore, the appeal proposal would conflict with policy DH1 of the Core Strategy and the SPD. Of the policies cited by the Council, these are the most relevant to the appeal proposal before me.

Conclusion

11. For the reasons set out above, I conclude the appeal is dismissed.

J N Seymour

INSPECTOR