



Appeal Decision

Site visit made on 3 May 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2023

Appeal A Ref: APP/E5530/W/22/3298852

Land adjacent to 1 Bramblebury Road, Plumstead, London SE18 7TF

- 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 Louise Bettinson against the decision of the Royal Borough of Greenwich.
- The application Ref 21/3983/F, dated 4 November 2021, was refused by notice dated 22 December 2021.
- The development proposed is demolition of existing garage and construction of a new 1-bed 3 storey dwelling.

Appeal B Ref: APP/E5330/W/22/3298854

Land adjacent to 1 Bramblebury Road, Plumstead, London SE18 7TF

- 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 Louise Bettinson against the decision of the Royal Borough of Greenwich.
 - The application Ref 22/0620/F, dated 10 February 2022, was refused by notice dated 14 April 2022.
 - The development proposed is demolition of existing garage and construction of a new 1-bed 3 storey dwelling.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and construction of a new 1-bed 3 storey dwelling at land adjacent to 1 Bramblebury Road, Plumstead, London, SE18 7TF in accordance with the terms of the application, Ref 21/3983/F, dated 4 November 2021 and the plans submitted with it, subject to the attached schedule of conditions.

Appeal B

2. The appeal is dismissed.

Application for costs

3. An application for an award of costs has been made by the appellant against the decision of the Royal Borough of Greenwich in respect of Appeal B. This is the subject of a separate Decision.

Preliminary Matter

4. There is similarity between the appeal proposals in several respects. I shall therefore examine some issues for the two proposals together and shall refer to the proposals individually when appropriate to do so.

Main Issues

5. The main issues are:

- The effect of the proposals on the character and appearance of the area;
- Whether the future occupiers of the proposals would have acceptable living conditions; and
- In relation to Appeal B only, whether the proposal would be capable of achieving compliance with Building Regulation Requirement M4(2).

Reasons

Character and appearance

6. The appeal site is a triangular area adjacent to 1 Bramblebury Road (No 1) which is a two storey end of terrace dwelling. The area is residential in character, and the majority of properties on either side of Bramblebury Road are two storey terraced houses which have uniform proportions.
7. To the left of the site, when viewed from the public highway, is Bert Reilly House, a modern three storey block of flats and an access to a parking area associated with the flats.
8. Both proposals relate to the construction of an additional dwelling adjoining the side of No 1. The siting and massing of both proposals is similar although there are design differences to both the front and rear elevations. In both schemes, the new dwelling would continue along the same plane as the front elevation of No 1 and would be a continuation of the terrace, which would respect the established building line.
9. The design of the terrace means that views to properties' rear gardens are restricted behind the street frontage, and the size of gardens and the properties' footprint coverage are not apparent in public views. The rear of the appeal site is largely hidden from public views and would only be visible from the adjoining car parking area and the rear windows of adjoining properties to the rear of the site.
10. In both proposals the rear amenity area would be smaller than the rear gardens of the majority of properties on the street. However, as a result of the location behind the street frontage combined with the screening from the timber fence marking the site's side boundary, the proposals' rear amenity area would not be immediately apparent from public views. Consequently, the smaller size of the rear amenity area would not appear as an incongruous feature. As both proposals would maintain the established building line, a front garden area, which is characteristic to the terrace, would be maintained.
11. Viewed from the rear, the proposals' eaves would be at a similar height to those of the adjoining property. The tall, contemporary fenestration, would be larger than the fenestration on the neighbouring properties. Given that the rear

elevation would not be visible in the street scene or prominent within other viewpoints, I see no substantial reason why this could not be an acceptable design alternative to the more conventional fenestration found at neighbouring properties.

Appeal A

12. The proposal would have a contemporary design, with large glazing in both the front and rear elevations. Although the neighbouring properties on Bramblebury Road are generally of more traditional appearance, I am mindful that there is greater variation in the design of buildings at this end of the street. For instance, when viewed from the highway, Bert Reilly House located immediately to the left, is a larger building with modern design elements. Opposite the site is 2 Bramblebury Road, which is a modern two storey detached house, constructed with noticeably different proportions, massing and materials to the terraced properties on either side of the road.
13. The proposal would provide three storeys of accommodation, whilst the properties on this side of Bramblebury Road are generally two storeys in height. However, the new building's ridge height would match No. 1's ridge height and, when viewed from the front, it would have a similar width and overall proportions to the neighbouring properties within the terrace. In this regard, it would maintain the rhythm of the terrace which it would adjoin. As such, the modern design of the proposed dwelling, would not appear entirely out of context in this particular part of the street, which is more varied than the areas of Bramblebury Road further to the south.
14. I find that the modern front dormer would create a visual bookend to the end of the terrace, which would clearly identify the building as a contemporary addition. This could reasonably be expected to serve to draw more attention to its presence in wider views than a simple traditional pitched roof building. However, prominence in itself does not indicate harm and the overall approach to design would achieve a high quality infill scheme embracing modern architecture. Furthermore, the positioning of the dormer ensures that the proposal's roof pitch and eaves height would match No. 1 at the point that the two properties meet. In this regard, it would successfully assimilate with the built context, and I note that Paragraph 130 of the National Planning Policy Framework (2023) (the Framework) states that developments should be sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change such as increased densities.
15. There is variation in the use of facing materials across the terraced properties on the street. These include render, paintwork, brown brickwork, pebble dash, and a variety of window designs utilising a mixture of traditional and modern materials. The proposed use of large glazing panels and modern materials including the render external wall system, zinc roofing and contemporary aluminium windows would add to and complement the mixture of materials on display within the terrace. Furthermore, contemporary design and historic forms are not inherently inimical. In this instance the former, whilst identifying the proposal as a modern addition, would sit comfortably relative to the latter.
16. The proposal's second floor level terrace and 'half roof' design would be inset and contained within the surrounding external walls. The absence of

balustrading surrounding the terrace ensures that this would be a discrete feature which would not be unduly prominent.

17. Policy H(c) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014) (CSDP) requires that infill developments maintain the character of the area. Though the design and roof form of the development would differ from the existing dwellings within the terrace, for the reasons set out above, the proposal would respect and complement the existing built form and would not appear visually jarring.
18. For these reasons, in its totality the appeal proposal would not be an unduly strident or disruptive feature which would cause unacceptable harm to the character and appearance of its context, with particular regard to scale, form and materials.
19. Policies D3 and D4 of the London Plan (2021) (LP) Policy DH1, H(c) and H5 of the CSDP collectively expect development to protect the character of the area, ensuring that it is appropriate to the surrounding area in terms of its size and scale, and that proposals reflect the variety of local dwelling types. In view of my findings, there is no conflict with these policies.

Appeal B

20. There is a porch to the front of 37 Bramblebury Road. In addition, numerous properties on the street have forward projections in the form of single or two storey bay windows. Of particular note are the forward projections at 4 and 6 Bramblebury Road, opposite the appeal site, which have a similar width and height to the proposal's porch.
21. Therefore, whilst porches are not a common feature on the street, there is sufficient variation in the design of forward projections at neighbouring properties to prevent the porch from appearing as an incongruous feature which would harm the appearance of the area.
22. Whilst the proposal's front elevation has a traditional design with proportions matching the other houses within the terrace, the use of render and composite timber/aluminium windows would identify the proposal as a new addition to the terrace. As a result, the contemporary design of the porch would not appear at odds to the design of the host dwelling.
23. At my site visit, I noted that a rear dormer has recently been constructed within the rear roof plane of No. 1 and that there is some variation in the rear roof forms of properties within the area.
24. The rear dormer would be set marginally below the ridgeline and in from the proposed building's elevations. Its location to the rear of the property means it would not be prominent from the main road, with views being mainly confined to the adjoining car parking area and from within the private properties to the rear. When considered in the context of the surrounding area, particularly in relation to the existing dormer at No 1, the dormer would not appear out of character.
25. Policies D3 and D4 of the LP Policy DH1, H(c) and H5 of the CSDP collectively expect development to protect the character of the area, ensuring that development is appropriate to the surrounding area in terms of its size and

scale, and that proposals reflect the variety of local dwelling types. In view of my findings, there is no conflict with these policies.

Living conditions of future occupiers

26. The submitted drawings indicate that the appeal A proposal would have an internal floor area of 59 square metres, whilst the appeal B proposal would have a floor area of 60.1 square metres. The measurements for both proposals exceed the 58 square metre minimum requirement for a 2-person, 2-storey dwelling set out in the Technical housing standards – nationally described space standards (2015) (NDSS). However, the NDSS does not set a required standard for a 2-person, 3-storey dwelling. In its absence, the Council suggest that the NDSS's requirement for new dwellings should be increased by at least 8 square metres as result of the proposals' additional storey.
27. Whilst the additional stairwell to provide access to the third floor of accommodation does result in a reduction in usable space, it is appropriate, in this instance, to balance this against the other areas of compliance with the NDSS. For instance, in both proposals the bedroom meets the NDSS standards, and the floor to ceiling heights required by the LP and the Mayor of London Housing Supplementary Planning Guidance (2016) (HSPG) are met. Similarly, the kitchen and living rooms appear reasonably sized and overall I am not persuaded that people living within either proposal would find the homes unduly cramped.

Appeal A

28. The NDSS suggests that two and three storey dwellings should provide a bathroom and an additional WC or shower room. However, it seems to me that the one bed dwelling is likely to be occupied by a single occupier or a couple. As a result, it is unlikely that there would be significant pressure on the single bathroom at ground floor. Whilst the layout of the dwelling over three floors is unusual, given the proposal's small size, the travel distance from the furthest point in the dwelling to the bathroom would not be significant, and I do not consider that future residents would be significantly inconvenienced by the provision of just a single bathroom.
29. A ground floor bedroom window would look onto a small courtyard area, surrounded by boundary fencing to the side and rear. During my site visit, I also noted that the ground floor rear extension which is being constructed at 1 Bramblebury Road would further enclose the window. Consequently, the bedroom would provide limited outlook for future occupiers.
30. However, I am mindful that future occupiers are likely to spend much of their time in the kitchen/dining room and living room on the upper floors. Both these rooms, would be light, spacious, dual aspect rooms with unrestricted views which would provide good levels of outlook to both the front and rear of the property. Considering the new dwelling as a whole, I am not persuaded that people living here would feel that the living environment was oppressive.
31. I therefore find the proposed living conditions for future occupiers would be acceptable. Therefore, in this respect both appeal proposals A and B would comply with Policy D6 of the LP, Policies DH1 and H5 of CSDP and the HSPG. Taken together, these require that development promotes well-being, with a high standard of amenity for future users.

Appeal B

Compliance with Building Regulation Requirement M4(2)

32. Policy D7 of the LP requires all dwellings to provide level access in accordance with requirement M4(2) of the Building Regulations. In this case the dwelling would have a split level arrangement which does not comply with the requirements of M4(2).
33. The appellant points to the guidance from the HSPG which sets out that the application of M4(2) requirements may be applied flexibly in certain cases such as small-scale infill developments. The HSPG is a material consideration but is guidance and not planning policy.
34. In this instance, I have not been provided with compelling evidence to justify why it would not be possible to provide a M4(2) compliant dwelling. This is of particular relevance as both parties are in agreement that the layout of Appeal A could achieve M4(2) through minor amendments which could be secured via planning condition.
35. I conclude that the proposal would not therefore make adequate provision for M4(2) accommodation. Consequently, it would conflict with Policies D5, D6 and D7 of the LP and Policies DH1 and H5 of the CSDP, which require that proposals achieve accessible and inclusive environments for all, including disabled people.

Other Matters

36. The appellant has raised the issue of communication with the Council during the application process. However, this matter is addressed within a separate Costs decision.
37. The Council have referenced the Residential Extensions, Basements and Conversions Guidance SPD (2018). However, this document is relevant to the provision of extensions and conversions of existing buildings. The proposal relates to the creation of a new build dwelling and therefore I have given this document limited weight, such that it has not altered my overall decision.

Appeal A

38. An interested party has raised concerns relating to local land stability as a result of the construction works. However, whilst I take this representation seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects.

Conditions

39. The Council has provided a list of conditions, in the event that either appeal is allowed. I have assessed the conditions for appeal A in regard to the advice provided in the Framework and Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents, and for clarity and consistency.
40. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty. Details and samples of the proposed external materials need to be approved in the interests of the character and appearance of the area.

41. I have imposed a condition requiring the submission of a Demolition/Construction Method Statement in order to protect the living conditions of neighbouring occupiers. I have modified the wording of the condition in order to prevent a repetition of the requirement for dust monitoring measures.
42. In the interests of waste management and to encourage sustainable transport I have included conditions requiring the provision of refuse and cycle storage. Conditions relating to boiler emissions and to limit water usage are necessary in the interests of promoting sustainable design practices.
43. Given the small size of the site and relationship with surrounding buildings, I agree, in the particular circumstances of this case, that a condition which withdraws some permitted development rights for further extensions, including outbuildings, is necessary.
44. However, I have not imposed the condition requiring the windows in the dwelling's side elevation to be obscure glazed, and to remove permitted development rights relating to the installation of windows in this elevation. This is because the windows in question look towards a car parking access and stairwell windows within the neighbouring block of flats. Consequently, the windows would not lead to a loss of privacy for neighbouring occupiers.

Planning Balance and Conclusion

Appeal A

45. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan and the Framework. The appeal is therefore allowed.

Appeal B

46. The Council has confirmed that it is unable to demonstrate a 5 year housing land supply. As a consequence of the housing supply position, paragraph 11(d) of the Framework is triggered. Paragraph 11(d)(i) is not relevant as there are no policies in the Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development. Instead, paragraph 11(d)(ii) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
47. Paragraph 130 of the Framework expects development to create healthy and inclusive places and which promote health and well-being. Policies D5, D6 and D7 of the LP and Policies DH1 and H5 of the CSDP are therefore consistent with the Framework. Even taking into account the Council's failure to deliver sufficient housing, the conflict between the proposal and the development plan should be afforded substantial weight.
48. The Framework seeks to significantly boost housing supply and indicates the value of using suitable land within settlements for homes. It also encourages the optimal use of underutilised land. The proposal would contribute to local housing supply and would represent a more efficient use of previously developed land. These matters weigh in favour of the development.

49. I acknowledge that residential development in this general location is acceptable in principle and the proposal may be compliant with various other provisions of the development plan, for instance the unit would meet a need identified within Council documents. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
50. Set against the harm identified there would be limited benefits associated with the proposal, such as its accessible location. An additional one bed residential unit, whilst beneficial, would make a modest contribution to the overall delivery of housing. However, in my view, the inadequate provision for M4(2) accommodation which has been identified would significantly and demonstrably outweigh the benefits when assessed against the policies in the development Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
51. While I have not found conflict with all policies drawn to my attention, the harm that I have found leads me to conclude that the proposal would conflict with the development plan as a whole. There are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below: 261/PL/001, 261/PL/100, 261/PL/101, 261/PL/150, 261/PL/200, 261/PL/201, 261/PL/202, 261/PL/203, 261/PL/204, 261/PL/205, 261/PL/210 and 261/PL/211
- 3) No development shall take place until a Demolition/Construction Method Statement (DCMS) has been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the approved DCMS shall be implemented and adhered to throughout the entire construction period. The DCMS shall provide details of a management scheme to control and minimise emissions of pollutants from and attributable to the construction of the development. The should include a method statement in accordance with the control of dust and emissions from Construction and Demolition Best Practice Guidance published by the Greater London Authority. The scheme shall set out the measures, which will be put in place, including:
 - A dust risk assessment including proposals for monitoring dust, dust suppression methods to be used and details of equipment to be used during the different stages of the development;
 - Site plan identifying the location of the site entrance, exit, wheel washing, hard standing hoarding (distinguishing between solid hoarding and other barriers such as heras and monarflex sheeting), stock piles, dust suppression, location of water supplies and location of nearest neighbouring receptors;
 - Confirmation if a mobile crusher will be used on site and if so, a copy of the permit and intended dates of operation;
 - Bonfire policy; and
 - Wheel washing facilities, location and facilities for discharging the water.
- 4) The development shall not progress above the damp proof course of the new house until a detailed schedule and samples of all external materials and finishes/windows and external doors/roof coverings to be used on the building have been submitted to and approved in writing by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved samples and details.
- 5) Prior to the occupation of the development a minimum of 2 secure and dry cycle parking spaces shall be provided as shown on the approved drawings and maintained thereafter for the lifetime of the development.
- 6) Prior to the occupation of the development the waste storage units shall be provided as shown on the approved drawings and maintained thereafter for the lifetime of the development.
- 7) The development hereby approved shall be constructed in order to achieve a reduction in potable water demand to a maximum of 105 litres per person

per day based on the Government's national calculation method for water efficiency for the purpose of the Building Regulations.

- 8) The boiler to be used for the new residential unit shall have dry NO_x emissions not exceeding 40 mg/kWh (0%). The boiler shall be installed and retained for the lifetime of the development.
- 9) If, during construction of the development, contamination not previously identified is found to be present at the site, then no further development of that part of the site shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further extensions or alterations to the new dwelling hereby permitted shall be carried out under Schedule 2, Part 1, Classes A, B, C, D and E without the prior permission of the Local Planning Authority.