



Appeal Decision

Site visit made on 13 October 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2023

Appeal Ref: APP/E5330/W/23/3320071

93 Prince Henry Road, Greenwich, Charlton SE7 8PJ

- 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 Grout Property Developments Limited against the decision of Royal Borough of Greenwich.
 - The application Ref 22/2652/F, dated 25 May 2022, was refused by notice dated 12 October 2022.
 - The development proposed is the erection of a new detached dwelling with private amenity and off street car parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on 1) the character and appearance of the area, and 2) highway safety and parking provision.

Reasons

Character and appearance

3. The appeal site comprises an existing end of terrace, two storey dwelling and its associated amenity space. It is located at the end of Prince Henry Road where this part of the street forms a short cul-de-sac. It is located in a predominantly residential area that is made up of mainly semi-detached and terraced properties of a similar size and scale.
4. The appeal site is adjacent to land which forms part of Hornfair Park which is designated as part of the Green Chain and Metropolitan Open Land. This land also forms part of the Charlton Village Conservation Area.
5. The proposed development would involve the erection of a detached, two-storey dwelling on land to the side of the existing dwelling which currently forms a side garden.
6. The Council set out that as a detached dwelling, the proposal would be out of character with the surrounding area which is mainly made up of semi-detached and terraced properties. I acknowledge that the dwelling would be a rare example in the area, although my attention has been drawn to a detached dwelling that was granted planning permission¹ at 74 Montcalm Road which is

¹ Planning Application Ref 21/2643/F

on the opposite side of Charlton Park Lane. Due to its siting at the foot of a cul-de-sac section of Prince Henry Road, the proposed dwelling would not be highly noticeable. Furthermore, whilst it is evident the area is made up of mostly semi-detached and terraced properties, it is not clear that this is of such significance, in terms of character and appearance, to the extent that no other form of dwelling is permissible. Therefore, whilst I acknowledge the departure, I do not consider there would be harm caused.

7. The Council have set out the dimensional differences between the proposed dwelling and the existing dwellings. In terms of the eaves and ridge heights, this difference amounts to a very minor 0.1m and in relation to the building line, the Council set out that the difference would be 0.03m, which would be barely noticeable.
8. I therefore find that the very minor difference in the eaves and ridge heights would not be of such magnitude as to cause harm. The street-scene elevation does, in any event, suggest that these differences would be due to a small level change. On the matter of the building line, the difference would be negligible and not cause harm. I note in the wider area that there are several instances of staggered building lines.
9. The property would be larger, and of a greater scale, than the surrounding dwellings. In a similar manner to the proposal forming a detached dwelling as opposed to forming a semi-detached or terraced dwelling, I do not consider that the fact that most surrounding properties are smaller, would equate to overall harm. The difference would not be excessive, and additionally, given its position, would not be highly noticeable.
10. The development would remove an open piece of land that serves to contribute to an element of spaciousness in the street-scene. The terrace opposite the site extends up to the boundary between the open space and the residential area and the proposed development would do likewise. Although there would be a minor loss of the sense of spaciousness, given the position of the site it would not be highly noticeable. Taking into account the position of the properties opposite and the general make-up of the surrounding area, this element of the development would not cause harm.
11. In terms of the design of the dwelling, I consider that due to its form, fenestration, and overall detailing, it would form a successful assimilation with the surrounding built environment. Notwithstanding that it would be of a different typology, its appearance would not be out of character, and I do not consider that harm would be caused in this regard.
12. The Council consider that the proposal would necessitate the removal of an existing street tree in order to provide the proposed vehicular crossing. It is not in dispute that notwithstanding any planning consent granted, permission would be required from the highway authority to remove the tree, something that the Council outline would be refused.
13. The appellant considers that the development could proceed even with the tree retained and has submitted an arboricultural report². The report, however, includes plans, references and photographs relating to another site.

² Arboricultural Report – Andrew Day Arboricultural Consultancy – 8 July 2022

14. The tree appears to be relatively young, but it does positively contribute to the amenity value of the area. It is established in the street and there is nothing to suggest that it may in future form a more mature street tree that would make a significant and positive contribution to the character and appearance of the area.
15. A layout plan in the appellant's statement suggests that the crossing could be provided with the tree being retained. This, however, does not give consideration to the potential construction impacts on the tree and its rooting zone. In light of the lack of substantive evidence I cannot be certain that the development could proceed as outlined without causing harm to the tree. As the matter should be addressed from the outset, it would not be appropriate to deal with the matter by condition.
16. Therefore, whilst I have found that the proposed dwelling itself would not cause harm to the character and appearance of the area, I cannot be certain on the evidence before me, that the existing street tree can be retained and/or not damaged by the proposed development. Its resulting loss would cause harm to the character and appearance of the area. The proposed development is therefore contrary to Policies H(c) and OS(f) of the Royal Greenwich Local Plan: Core Strategy (2014) and Policy G7 of the London Plan (2021). These policies require, amongst other things that, wherever possible, existing trees are retained and that trees and their root systems are protected from damage as a result of the development both during and after building operations.
17. The development would also conflict with the requirement of Chapter 12 of the National Planning Policy Framework (the Framework) (2023) that opportunities are taken to incorporate trees into development and that existing trees are retained wherever possible.

Highway safety and parking

18. The proposed development would include the provision of off-street parking, and associated crossovers, for both the existing and proposed dwelling. Due to the depth of the frontages, parking spaces for each property would be almost parallel with the front of the dwelling.
19. On my mid-morning site visit, I observed that this section of Prince Henry Road was heavily parked with vehicles on both sides. This included vehicles parked on both sides of the turning head from which both accesses are proposed. The result was that manoeuvring within the street was extremely convoluted, requiring vehicles to reverse over a long section of the carriageway, or mount the pavement in order to turn. I accept that the conditions I observed on my site visit were a snapshot in time and may not be a reflection of the conditions at other times. It is however generally held that the demand for parking in such residential areas is greatest at evenings and overnight and therefore such demand may even be greater at other times. Either way, there is no evidence that would contradict my observations. The representations received to the initial planning application and this appeal also support this position, with references to the problems that are currently experienced which I observed.
20. Although the proposed development would provide off-street parking, these are of such an orientation that significant manoeuvring would be required to access and egress the site. When the high levels of on-street parking in the area are taken into account, it is difficult to envisage how such manoeuvres could take

place without increasing the risk of a collision with other vehicles or pedestrians.

21. The fact that this section of the road is not open to through traffic and that traffic would be travelling relatively slowly does not overcome the harm to highway safety in terms of the risk of collisions from manoeuvring and parking. I accept that whilst on street parking space would be removed, off-street parking would be provided. Notwithstanding the practical issues concerning the position and orientation of the proposed parking, it is pertinent, however, that existing on street parking is available for independent use by all, whereas the proposed parking would serve only the existing and proposed dwellings. Therefore, they do not provide the same form of parking as is presently the case, which would be made evidently worse as a result of the proposed development.
22. Through the creation of new accesses, this would remove the availability of on-street parking, in an area which I observed suffers from existing parking stress and has the worst possible Public Transport Access Level (PTAL) rating. There is no substantive evidence that the displacement of demand could be accommodated elsewhere in a manner that would not cause harm to highway safety.
23. The proposed development would therefore be contrary to Policy T4 of the London Plan (2021) which requires that development proposals should not increase road danger.
24. The development would also conflict with the requirement of Chapter 9 of the Framework, that developments should minimise the risk of conflicts between pedestrians, cyclists and vehicles and not have an unacceptable impact on highway safety.

Other Matters

25. Paragraph 11 d) of the Framework requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, developments should be granted planning permission 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.
26. This applies to applications involving the provision of housing in situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council are not able to demonstrate a five-year supply of deliverable housing sites. It therefore follows that paragraph 11 d) of the Framework is engaged.
27. In terms of the proposed development, the starting point is therefore that permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits.
28. In this case the adverse impacts of the proposal in terms of the harm that would be caused to the character and appearance of the area and highway safety, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. These policies include a requirement that opportunities are taken to incorporate trees into development and that existing trees are retained wherever possible, and that

developments should minimise the risk of conflicts between pedestrians, cyclists and vehicles and not have an unacceptable impact on highway safety.

29. The proposal does not therefore benefit from the presumption in favour of sustainable development given by paragraph 11 of the Framework.

Planning Balance and Conclusion

30. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
31. The outcome of the Framework paragraph 11 d) process above indicates that the decision should be taken in accordance with the development plan.
32. The proposed development would develop a small scale site and result in a very slight increase in the Council's overall housing number. It would also bring a small number of additional residents to the area who would contribute to the local economy. When combined with the inability to demonstrate a five-year supply of deliverable housing sites, collectively, I give these matters significant weight in favour of the proposed development.
33. However, the harm that I have identified that would be caused to the character and appearance of the area and highway safety attracts greater significant weight that outweighs the benefits associated with the proposed development.
34. The proposed development would therefore conflict with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
35. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR