



Appeal Decision

Site visit made on 22 March 2024

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2024

Appeal Ref: APP/E5330/D/24/3337648

63 Hervey Road, Kidbrooke, Greenwich SE3 8BX

- 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 Ms Y Yuan against the decision of the Royal Borough of Greenwich.
 - The application Ref is 23/2197/HD.
 - The development proposed is demolition of existing shed & greenhouse and replacement with new garden outbuilding within rear garden and felling of a single small Cherry Tree.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Amended plans were accepted by the Council during the course of the planning application, which reduced the height and roof pitch of the proposal. For the avoidance of doubt, I have assessed this appeal based on those amended plans.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, including on the Sun and Sands Conservation Area (CA).

Reasons

4. The appeal site is a detached dwelling in the Sun and Sands CA. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character of appearance of that area. Similar advice is set out in the Framework and in Policies D3 and HC1 of the London Plan 2021 (LP), and DH(h) and DH3 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 (RGLP).
5. The Sun and Sands Conservation Area Appraisal 2007 (CAA) identifies the CA's special historic and architectural interest as being, amongst other things, the survival of much of the original grain and plot boundaries that preserve plots that are relatively large when compared to streets outside the CA. Most of the original street plot and building layouts survive at a density that is relatively

low in this part of the borough. The CAA also identifies that there are no public green spaces in the area, with the main green spaces being the back gardens of properties, which the CAA advises should be retained as the only sizably significant green spaces in the area.

6. The appeal site contributes positively to the significance of the CA and its established character with its large rear garden, which is mainly open with some mature trees. The rear garden also forms part of a wider group of open green spaces with adjacent and nearby rear garden areas that further enhances the contribution of the site to the significance of the CA. Outbuildings in rear gardens in this context are small scale and subservient features to the overriding open and landscaped character of rear gardens.
7. The proposal involves erecting a detached garden outbuilding at the end of the rear garden area. The proposal would have a height of around 2.5m at eaves level and around 3.75m at ridge level, and a floor area of around 70 sqm, situated very close to the side and rear boundaries. A greenhouse, garden shed and cherry tree would be removed to make way for the appeal proposal.
8. The size of the proposal in terms of its footprint and location right up to boundaries would result in a significant reduction of the mainly open garden in the rear part of the site. The loss of open garden area would have a far greater impact on character and appearance than the small scale structures it would replace.
9. In terms of height, whilst this was reduced during the consideration of the planning application, the proposal would still be unduly prominent and visible from the surrounding gardens due to the overall scale and width of the structure. I note from the information before me and my observations on the site inspection, that the scale would not be in keeping with other outbuildings in the vicinity, which are smaller and less prominent than proposed in this case.
10. I acknowledge that the proposal would be located at the furthest point to the rear of the garden in a secluded part of the site set within a mature landscape. However, for the aforementioned reasons I am not satisfied that this provides sufficient justification for the proposed scale and height as it would introduce a prominent and incongruous change in a part of the CA where the adjacent gardens are similarly secluded with landscaped settings.
11. In summary, the proposal would appear as an excessively large outbuilding within the site resulting in an unacceptable erosion of open green space within the CA conflicting with the guidance in the CAA. It would therefore lead to less than substantial harm to the significance to the heritage asset, which as set out in Paragraph 208 of the Framework must be weighed against the public benefits of the development. The only public benefit that would arise from the proposal would be economic and social benefits as a result of the construction of the proposal. However, these would be very limited due to the scale of the works and limited duration and not sufficient to outweigh the less than substantial harm identified.
12. In terms of other material considerations, the proposal would benefit the appellant by meeting their needs for additional space for their growing family. This, however, only has limited weight because the house and garden are already of fairly substantial size.

13. I note the appellant suggests that a similar building could be built under permitted development rights, although the specific details are not before me as to how similar it would be to the appeal proposal. Nonetheless, I consider it unlikely that a comparably sized building could be built under permitted development in broadly the same location as the appeal proposal due to the various requirements set out under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended (GPDO)). These requirements would appear to permit a squarer shaped building if located more than 2m away from the boundary, or a flat roof structure up to the perimeter providing it would not exceed 2.5m in height both of which would be materially different to the appeal proposal in their scale and form. I am not, therefore, satisfied that any permitted development rights available would be comparable in scale to the proposal and I give this very limited weight in this decision.
14. In conclusion, the proposal would harm the character and appearance of the area, including the Sun and Sands CA, and there are no public benefits or other material considerations in favour of the proposal that would be sufficient to outweigh the less than substantial harm to the significance of the heritage asset I have identified. Accordingly, the proposal would be contrary to Policies D3 and HC1 of the LP and Policies DH1, DH3, DH(a) and DH(h) of the RGLP all of which seek to secure suitably designed and scaled development that preserves or enhances heritage assets. The proposal would also not accord with paragraphs 195, 203, 205-206 and 208 of the Framework or the guidance contained in the CAA.

Other Matters

15. I have reviewed the concerns raised by residents that raised a series of other issues albeit none of which are disputed by the parties. From the information before me, I agree that these do not raise any considerations that would weigh for or against the proposal and are therefore neutral factors for this appeal.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

N Perrins

INSPECTOR