



Appeal Decision

Site visit made on 17 April 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th May 2024

Appeal Ref: APP/E5330/W/23/3333417

Land at the rear of 35 Eglinton Hill, Plumstead, London SE18 3NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Shakil Ismail of London Flats Direct Ltd against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 23/1595/F.
 - The development proposed is the construction of a new two-bedroom house on Nithdale Road at the rear of 35 Eglinton Hill.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to light; and
 - the effect of the proposal on the living conditions of the occupiers of 35 Eglinton Hill, with particular regard to the provision of amenity space.

Reasons

Character and appearance

3. The appeal site comprises vacant land to the rear of 35 Eglinton Hill (No 35), within an island of built form bounded by Eglinton Hill, Genesta Road, Mayplace Lane and Nithdale Road. The area largely comprises dwellings fronting the roads with long rear gardens and sizeable gaps between buildings which give it a spacious character. Next to the site is a bungalow at No 35 and a property facing Genesta Road at 31C and 31D Eglinton Hill (Nos 31C and D). The latter is set down from the appeal site due to the steeply sloping topography.
4. The proposed dwelling would be sited less than 3m from the boundary with Nos 31C and D and around 5m from the boundary fence with No 35. The existing bungalow already covers a large area to the rear of No 35 and the proposed building would occupy a considerable amount of the undeveloped land between the bungalow and Mayplace Lane. Due to its proximity to existing buildings and the extent of the developed area, the proposed dwelling would be significantly at odds with the prevailing spacious pattern of development.

5. I acknowledge that the amenity space for Nos 31C and D is limited, but there is a reasonable gap between this property and 31 Eglinton Hill. In contrast, the proposed house would be much closer to No 35 and the attached rear bungalow, creating a cramped form of development.
6. There is a larger island of development south of the appeal site, between Nithdale Road and Dallin Road where dwellings have been built behind the properties on Eglinton Hill. However, unlike the appeal proposal, there is more generous space around the buildings, including a sizeable gap between the dwellings on Eglinton Hill and those to the rear.
7. The proposed house would be set into the site, appearing as two storeys from Genesta Road. Its roof ridge and eaves heights would be similar to the existing bungalow at No 35 and it would be located a comparable distance from Genesta Road. However, due to its size and location in a gap in development to the rear of Eglinton Hill, the proposed building would be a dominant addition to the Genesta Road street scene.
8. I note that the proposed significant glazed area below the roof apex instead of traditional first floor windows on the north elevation is intended as a design feature and to prevent overlooking of Nos 31C and D. However, the contrasting glazing location and design and the blank upper wall would be an alien feature in the locality. The proposed building would be partly screened by the neighbouring property at Nos 31C and D and the boundary wall, but the upper level would be particularly prominent and incongruous in views when travelling eastbound along Genesta Road.
9. The appellant is willing to accept a condition requiring high level traditional windows on the north elevation, but this is not the scheme that is currently before me, and it would not be reasonable to impose such a condition.
10. Therefore, I conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policy D3 of the London Plan 2021 (LP) and Policies DH1, H5 and H(c) of the Royal Greenwich Local Plan Core Strategy with Detailed Policies 2014 (CSDP). Together, these require developments to be high quality and positively respond to local distinctiveness, including through their layout, scale and appearance, amongst other things.
11. Policy D4 of the LP relates to processes and actions required to deliver good design. As it does not directly link to the harm identified, I find no specific conflict with Policy D4 in reaching my conclusion.

Living conditions – future occupiers

12. Policy D6 of the LP requires new housing development to provide sufficient daylight and sunlight, with further guidance set out in the London Housing Supplementary Planning Guidance 2016 (SPG). The SPG states that living areas and kitchen dining areas should preferably receive direct sunlight. Where this cannot be achieved, the SPG outlines that developers should demonstrate how the daylight standards proposed will achieve good amenity for residents.
13. The proposed kitchen/living/dining room (the living room) would have full height windows facing into the private garden and a rooflight over the kitchen. Although the appellant indicates that the glazed area would amount to 37.8% of the room's floor area, the long living room would have blank walls along two sides with the windows located towards one end of the room. There would be

only a small gap between the north facing windows and the boundary, with the two-storey building at No 31C and D located very close by. Further, the side window would be opposite the bungalow sited above it and next to the wall separating the private garden from the higher-level shared amenity space.

14. No daylight and sunlight assessment has been provided but the appellant indicates a willingness to accept a condition in this regard. However, given the proposed siting, design and orientation, and the characteristics of the immediate surrounds, in the absence of such an assessment, I cannot be certain that there would be satisfactory daylight and sunlight to the living room in this instance. As such, it has not been demonstrated that the proposal would provide satisfactory living conditions for future residents.
15. Consequently, I conclude that in the absence of a daylight and sunlight assessment, the appellant has failed to demonstrate that there would be an acceptable level of light in the proposed house. This would be contrary to Policy D6 of the LP and Policies DH1 and H5 of the CSDP. Together, these seek to ensure that housing is of a high-quality design which provides sufficient daylight and sunlight, amongst other things.

Living conditions – neighbouring occupiers

16. The site is overgrown and disused, with a close boarded fence separating it from the adjacent bungalow. The existing layout plan indicates the site as an “overgrown un-used section of rear garden to No.35 Eglinton Hill.” However, at my site visit I observed that the site is not currently used as a garden, and it is unclear from the historic photos when it was physically separated from the residential properties at No 35.
17. Permission was granted in 2004 for the conversion of No 35 to flats and the Council asserts that the site was historically part of the garden for these dwellings. However, only limited information for the 2004 permission has been provided, and, irrespective of the subsequent change to the land register, I cannot be certain that the appeal site forms part of the garden for the previously approved flats.
18. The development would include a shared amenity area for the occupants of the existing bungalow at No 35 and the proposed new house. I acknowledge that it would not alter external space provision for the residents of the flats. However, although it would lack soft landscaping and be partly used to accommodate refuse bins, the amenity area would increase the external space currently available to the occupiers of the bungalow, thus improving provision.
19. Therefore, I conclude that the proposal would not harm the living conditions of the occupiers of 35 Eglinton Hill with particular regard to the provision of amenity space. It would accord with Policy H(c) of the CSDP where it requires residential development on backland sites to not cause an unreasonable reduction in the amount of amenity space enjoyed by existing residents.

Other Matters

20. The Council did not find harm or development plan conflict in relation to several other matters, including structural works, internal space standards, amenity space provision for future occupiers, energy and carbon use, parking, and flood risk. However, even if I were to agree with the Council on these points, the

absence of harm would be a neutral matter which would not carry weight in favour of the proposal.

21. The appellant's general concerns about their interactions with the Council during the application process is a matter between those parties and does not in this instance have any bearing on my determination of this appeal.

Planning Balance and Conclusion

22. The Council accepts that it cannot currently demonstrate a five-year housing land supply as required by the Framework. Its current supply stands at 2.8 years. This represents a significant shortfall and therefore paragraph 11(d) of the Framework is engaged.
23. Paragraph 11(d)(ii) of the Framework confirms that in such circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
24. The Framework seeks to boost housing supply and highlights the important contribution small and medium sized sites can make, whilst supporting development which makes efficient use of land. The proposal would make a modest contribution of one additional dwelling to the supply of housing in an urban area. It would contribute towards Greenwich's housing supply, making a modest difference to addressing the shortfall, and therefore I attribute modest weight to this benefit.
25. In contrast, the proposal would harm the character and appearance of the area and it has not been demonstrated that there would be an acceptable level of light in the proposed house. The Framework requires development to be sympathetic to local character, development that is not well designed to be refused, and decisions to provide a high standard of amenity for future users. I have concluded that the proposal would conflict with Policies D3 and D6 of the LP and Policies DH1, H5 and H(c) of the CSDP. These matters combined carry significant weight against the scheme.
26. Consequently, the harm I have identified significantly and demonstrably outweighs the benefits, when assessed against the policies in the Framework taken as a whole. It therefore follows that the proposal does not benefit from the presumption in favour of sustainable development.
27. For the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

A Wright

INSPECTOR