
Appeal Decision

Site visit made on 22 April 2024

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2024

Appeal Ref: APP/E5330/D/24/3336346

98 Shrewsbury Lane, Plumstead, London SE18 3JL

- 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 David Muir against the decision of the Royal Borough of Greenwich Council.
 - The application Ref 23/3044/HD, dated 20 September 2023, was refused by notice dated 15 November 2023.
 - The development proposed is for a rear outhouse with a flat roof 3.05m to the eaves.
-

Decision

1. The appeal is allowed and planning permission is granted for a rear outhouse with a flat roof 3.05m to the eaves at 98 Shrewsbury Lane, Plumstead, London SE18 3JL, in accordance with the terms of the application Ref 23/3044/HD, dated 20 September 2023 subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1/1250 Site Location Plan and SHREWSBURY 01/2023 Revision A01.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing host dwelling.
 4. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the flat roof of the outbuilding shall not be used as a balcony, roof garden or similar external amenity area.
 5. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the outbuilding hereby approved shall only be used for purposes ancillary to the residential use of the dwellinghouse known as 98 Shrewsbury Lane, Plumstead, London SE18 3JL, and shall not be occupied as any form of self-contained residential accommodation or for commercial business purposes.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the 'Framework') was published in December 2023, but there are no material changes relevant to the substance of the appeal.
3. The description of development as set out within the planning application forms and upon the Council's decision notice refer to the proposal being a retrospective application, whilst factually correct the proposal must be assessed on its own merits irrespective of whether it has been built or not. Nonetheless, the building was substantially complete at the time of my site visit, bar external finishes to the elevations, and I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the appeal proposal upon the character and appearance of the area.

Reasons

5. The appeal proposal relates to a quite substantial flat roofed outbuilding that has been constructed within the rear garden of 98 Shrewsbury Lane and is identified as providing a library and storage for the appellant. I note from the planning history that a Certificate of Lawfulness was granted in 2020 for the construction of an extension to an existing garage building in the rear garden, and going by the submitted plans and the photographs of the pre-existing situation, it is clear that the building the subject of this appeal is a new-build, replacing the previous concrete panelled structure. Nonetheless the dimensions of the building the subject of the appeal, are similar in scale and appearance to the previous building as proposed to be extended; it is slightly wider and longer than its predecessor, but the key difference is the 'warm roof' that has been installed with an associated deep fascia.
6. Notwithstanding this material change, the primary visual impacts are limited to within the rear garden scene and primarily affect no98 and 100 Shrewsbury Lane to the north. With regard to the latter, the Council states that whilst a depth of 8.8m along a shared boundary could be seen as excessive, it is considered that given the reasonable height of 3m, the distance of the outbuilding to the rear of no100 and the presence of the pre-existing outbuilding at the appeal property that it would be considered to have no detrimental impacts in terms of access to sunlight/daylight, loss of outlook and sense of enclosure. I have been given no substantive reason to come to a different conclusion on this matter.
7. There is a slight casual glimpse of part of the front elevation of the subject building when standing on Shrewsbury Lane and looking between the gap between nos 98 and 100, however it is very much in the background. Likewise the roof of the building is also slightly visible from Eaglesfield Road, but beyond the rear garden boundary treatment of 102 Shrewsbury Lane and an outbuilding under construction within the rear garden of 104 Shrewsbury Lane. Further the fact that the building is cut into the gently sloping site reduces its overall prominence.

8. I note that supporting paragraph 4.4.36 of Policy DH (a) states that any proposed detached buildings need to be designed to be subservient to the house and appropriate for the locality. No98 constitutes an extended two and a half storey semi-detached house and whilst the proposed outbuilding is of relatively large proportions in itself, nonetheless it appears as subordinate in form to the host dwelling; and bearing in mind its rearward siting largely out of public view, I consider that it is appropriate for the locality.
9. I therefore conclude that the outbuilding will not have a detrimental effect upon the character and appearance of the host dwelling or surrounding area and does not conflict with the Council's Urban Design Guide Supplementary Planning Document 2023, Policy D3 of the London Plan (2021) or Policies DH1 and DH (a) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (July 2014) which together require all developments to make the best use of land by following a design-led approach and optimise the capacity of sites, ensuring that all developments are of a high quality of design by providing a positive relationship between the proposed and existing urban context, and requiring proposals for residential extensions to be limited to a scale and design appropriate to the building and locality.

Conclusion and Conditions

10. For the reasons set out above, I conclude that the appeal should succeed.
11. Other than the standard time limit condition, the Council has suggested a condition requiring external materials to be used in the construction of the extension to match those of the existing building, and that the development be carried out in accordance with the approved plans. I consider these conditions necessary in the interests of preserving the character and appearance of the area.
12. Within the Council's Officer Report under "Principle of the Development" it is stipulated that to ensure that the subject building does not become a self-contained unit a condition should be imposed that requires it to only be used for purposes ancillary to the residential use of the host dwelling. I consider that due to the overall size of the building that this is necessary in the interests of not only protecting the character and appearance of the area, but also the living conditions of the occupants of neighbouring residential properties. Furthermore, within the Council's Appeal Questionnaire the imposition of a condition prohibiting the use of the flat roof as any form of balcony, roof garden or similar amenity area is also recommended; again in the interests of protecting the living conditions of the occupants of surrounding residential properties from overlooking and consequent loss of privacy, I consider that this is also a necessary condition to impose.

C J Tivey

INSPECTOR