



Appeal Decision

Site visit made on 31 May 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2024

Appeal Ref: APP/E5330/W/23/3328305

172A Woolwich Road, Greenwich, London, SE7 7RA

- 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 Harun Sanli against the decision of Royal Borough of Greenwich.
 - The application Ref is 23/0004/F.
 - The development proposed is construction of single-storey rear infill extension upon commercial unit and associated internal works including layout adjustments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The location of the appeal site stated on the Appeal Form differs from that given on the application form, decision notice and other appeal documents. The description of the appeal proposal given on the application form also varies from that given on the decision notice and subsequent appeal documents. I have taken the site location and description of the proposal in the heading above from the Council's decision notice.

Main Issues

3. The main issues are the effect of the proposal on:
 - The living conditions of residents of 2 Fairthorn Road in respect of outlook; and
 - An adjacent street tree.

Reasons

Living Conditions

4. The appeal site consists of a commercial unit located adjacent to Woolwich Road, with an external yard area and flat-roofed utility building projecting to the rear along Fairthorn Road. The high boundary wall around the utility area is located in close proximity to a bay window at No 2, although the utility building does not project beyond the front elevation of No 2. Due to its proximity, the existing boundary wall is a prominent feature in relation to the bay window at No 2.
5. The appeal proposal would infill the external yard and increase the extent and height of built development along Fairthorn Road. The increase in the height

and massing of built development along the boundary resulting from the appeal proposal would exacerbate the prominence of built development in the appeal site, resulting in an overbearing and oppressive outlook from the bay window to the front of No 2. The single storey design and the use of a shallow roofslope along the boundary with Fairthorn Road would do little to mitigate for the harm arising from the increased scale of built development on the outlook from the adjacent dwelling.

6. The bay window of No 2 provides 3 aspects. The appellant contends that the residents of the dwelling would continue to benefit from the principal outlook. However, due to its proximity and projection, the increased scale of the appeal proposal would still be apparent in views from the bay window. The harm arising to the outlook from the part of the bay window which affords the most direct view onto the appeal site would still be significant. The appeal proposal would therefore exacerbate to an unacceptable degree the existing oppressive and enclosing effect on the front of No 2.
7. I therefore conclude that, due to its scale and location, the proposal would lead to significant harm to the living conditions of residents of No 2 in respect of outlook. The proposal would therefore be contrary to Policy DH(b) of the Local Plan¹ with regards to the protection of amenity for adjacent occupiers.

Street Tree

8. There is a street tree located in the pavement adjacent to the appeal site. Although this tree is only semi-mature, it makes an important contribution to softening views along the streetscape, particularly given the screening it provides of the utilitarian appearance of this part of the appeal site. This importance will continue to develop as the tree matures.
9. The appellant has submitted a Tree Survey, which includes general guidance on arboriculturally sensitive design. However, although the Survey considers that root distribution is likely affected by the presence of the existing boundary wall, there is no direct evidence to demonstrate that this is the case.
10. The tree canopy projects onto the appeal site, and the root area may do so as well. The guidance in the Tree Survey is limited and does not demonstrate that the development can be carried out without harming the canopy or particularly the roots of the tree. Given the proximity of the tree and its importance to the streetscape, there is no certainty that a pre-commencement condition requiring further details would be effective in preventing harm to the tree or its future growth.
11. Based on the evidence before me, it has not been demonstrated that the appeal proposal would not lead to significant harm to the retention and growth of a street tree. The proposal would therefore be contrary to Policies OS(f) of the Local Plan and G7 of the London Plan 2021 which seek to protect trees from damage as a result of development.

Conclusion

12. For the reasons given above the appeal should be dismissed.

David Cross INSPECTOR

¹ Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014