



Appeal Decision

Site visit made on 12 June 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 JUNE 2024

Appeal Ref: APP/E5330/W/24/3338193

Rennets Wood House, Bexley Road, Eltham, Greenwich SE9 2NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Stephen Friel against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 23/2431/PN5.
 - The development proposed is a prior approval for additional storey to provide 3 no. self-contained residential units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have used the description of development stated on both the notice of decision and the appeal form, as the appellant has indicated it has changed from that originally stated on the application form.
3. The appeal is made pursuant to Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). This permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built block of flats, as well as certain associated works.
4. Reason for refusal no. 2 refers to there being insufficient information regarding the ceiling height of the additional storey of accommodation, to comply with criteria A.1(e) of Class A, Part 20, Schedule 2 of the GPDO. The appellant has submitted sectional drawings with their appeal that shows the additional storey of accommodation would have a ceiling height of 2.3 metres, the same as the existing flats below it. On this basis the Council has confirmed that the proposal would meet criteria A.1 (e) Class A, Part 20, Sch. 2 of the GPDO, and I see no reason to disagree. The Council and other interested parties have had the opportunity to comment on that information, and I am satisfied there would be no unfairness to any interested party by accepting this information. Consequently, the appeal has been determined on this basis and that reason for refusal is no longer relevant.
5. Reason for refusal no.3 refers to the appellant not providing a list of all the addresses of flats within the existing building at the appeal site, as required by criteria B. (2) (e) of Class A, Part 20, Sch. 2 of the GPDO. The appellant has

confirmed that this information was provided within their original application form, a copy of which has been provided with their appeal. The Council has confirmed that this information was received in compliance with criteria B. (2) (e) of Class A, Part 20, Sch. 2 of the GPDO, consequently its reason for refusal no.3 is no longer relevant, and I see no reason to disagree. The appeal has been determined on this basis.

6. Paragraph A.1. of Class A, Part 20, Sch. 2 of the GPDO sets out limitations to this permitted development, and Paragraph A.2. requires that before beginning the development, the developer must apply to the Council for prior approval in relation to certain matters. The Council considered that the proposal meets the requirements of paragraph A.2 of Class A, except for paragraph A.2.(1)(e), relating to external appearance. Based on the evidence before me, I am also satisfied that the proposal would not result in adverse impacts in respect of the other prior approval matters set out in paragraph A.2, and as reasons for refusal no's 2 and 3 no longer apply, I am also satisfied the proposal would not fall outside any of the limitations and restrictions set out in paragraphs A.1.(a) to (o). I have therefore confined my reasoning to the prior approval matter of external appearance.
7. Paragraph B (15) of Class A, Part 20, Sch. 2 of the GPDO requires that when determining an application under Class A, regard should be had to the National Planning Policy Framework (the Framework) as far as relevant to the subject matter of the prior approval. It was also held in *CAB Housing Ltd v SSLUHC & Broxbourne BC* (2023) that external appearance is not limited to the effect on the dwellinghouse and can include the effect on adjoining and nearby properties. The appeal proposal has been determined on this basis.
8. Following the Council's notice of decision, the National Planning Policy Framework (the Framework) was revised on 19 December 2023. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context, and both parties have had the opportunity to make comments on the revised Framework within their statements and final comments.
9. Prior approval applications must not be determined, expressly or otherwise, on the basis of section 38(6) of the Planning and Compulsory Purchase Act 2004 or as though the development plan must be applied. As such, I have only had regard to the policies of the development plan referred to by the main parties, insofar as they are material considerations to the matters of external appearance.

Main Issue

10. Accordingly, the main issue is whether prior approval should be granted having regard to the effect of the proposals on the external appearance of the building and the area.

Reasons

11. The appeal proposal relates to a three-storey brick and pitched roof building containing flats, which has a frontage facing onto Bexley Road, it is connected by a flat roof two-storey building to another three-storey pitched roof building, that faces onto Rennets Wood Road, which also contains flats. There are mostly

two-storey semi-detached properties on the same side of Bexley Road as the appeal site in this immediate area. Opposite the appeal site, and setback from Bexley Road behind a service road are a terrace of three-storey flats and a long, terraced building, that is four storeys high with commercial uses at ground floor and flats above. Although one of these buildings opposite the appeal site has some small flat roofed elements on it, most have pitched roofs, albeit shallower than the appeal property. Whilst there is some render and vertical tile cladding, brick is the predominant external material on the sides of buildings in the immediate area.

12. The design of the proposed additional storey of accommodation has a flat roof and given that this would be at third floor level, it would make the rectangular shaped building, including from its side elevation onto Rennets Wood Road, appear very boxy, and much different to those buildings around it. Whilst there is a mixture of property types and forms in the immediate area, the proposed roof design would contrast harmfully against the mainly pitched roofs of the host building, and those nearby. It would introduce a wholly discordant feature, which although it would not be much of an increase in the overall height of the existing building, and its fenestration would mainly align with the host property, its design would make it appear dominant and top heavy.
13. The introduction of metal cladding at third floor level above the existing brick, would add to the variety of materials in the immediate area. However, in the case of this alteration to the existing building, it would not create a legible and cohesive design when combined with the mainly brick appearance of the host building. Moreover, it would give the appearance of a much different feature added to the top of the building and would fail to harmonise with it.
14. It is acknowledged that there is an existing two-storey flat roofed element attached to the building in question. However, that links two higher three-storey elements together and is at a much lower level than the proposal would be. In addition, its effect upon the external appearance of the building and the area is not as pronounced as the proposal, which would be visible across its frontage and from its side elevation (onto Rennets Wood Road).
15. It is noted that there are tall buildings containing flats on the opposite side of Bexley Road, but apart from some relatively small parts on them, they have pitched roofs. Furthermore, they are also set further back from Bexley Road, and their presence does not lead me to conclude differently regarding the appeal scheme.
16. In support of their appeal, the appellant has drawn my attention to a building at Larden Hall, Essex Park Mews, Acton, in the London Borough of Ealing. Apart from photographs of the building, I have very limited information about it. I note the building has grey cladding on part of its second and third storey level, which is set-in from its lower brick clad storeys. However, it appears to have been purposefully designed in that form, with matching window frames to its grey cladding, as opposed to a later addition above an existing building like the appeal proposal. I am also unclear about the context of that property and how it compares to the appeal site's context. Consequently, I attach limited weight to it in my decision.
17. The appellant has referred to what is now paragraph 133 of the Framework, particularly its support for a degree of variety in the design of new development. That paragraph mainly relates to advice on the preparation of

local design guides and codes, it recognises the importance of reinforcing local distinctiveness but also in allowing some variety. In this case, the mostly pitched roofs and brick clad walls are locally distinctive, and whilst the proposal would differ from this, due to the harm identified above, I do not find the variety in its design approach to be acceptable in terms of the effect on the external appearance of the building and the area.

18. To conclude on this main issue, the proposal would harm the external appearance of the building and the area, and it would conflict with paragraph A.2.(1)(e) of Class A, Part 20 Sch. 2 of the GPDO. In addition, the proposal would conflict with paragraph 135 of the Framework, that amongst other things requires development to function well and add to the overall quality of the area and be sympathetic to local character.
19. Although not determinative, the proposal would also be contrary to Policies DH1 and H5 of the Royal Greenwich Local Plan, Core Strategy with detailed policies, adopted July 2014 and Policy D3 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP), which amongst other things, collectively seek to ensure high quality design that enhances and responds to the local character, in terms of its design, appearance, and form.
20. The Council referred to the proposal conflicting with Policy D4 of the LP, that policy is mainly focused on strategic design review and analysis, as such I did not find it to be directly relevant to this main issue.

Other Matters

21. The location of the appeal site outside of a designated conservation area, and that the existing building is not listed are neutral matters that do not weigh in favour or against the proposal.
22. I acknowledge that interested parties have made comments about the appeal proposal in addition to the main issue above, which I have had regard to. However, as I am dismissing the appeal for other reasons, and due to the requirements of the GPDO, it has not been necessary for me to address those issues further.

Conclusion

23. For the reasons given above, the proposal would have an unacceptable harmful effect on the external appearance of the building and the area. I therefore conclude that prior approval should be refused, and the appeal be dismissed.

A Hunter

INSPECTOR