



Appeal Decision

Site visit made on 3 June 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2024

Appeal Ref: APP/E5330/W/23/3334728

Land at corner of Dallin Road and Mayplace Lane, Shooters Hill, London SE18 3NT

- 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 Luke Hill against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 22/4135/F.
 - The development proposed is described as the "construction of a two storey, 3 bedroom (5 person) dwelling with associated environmental sustainability enhancements, landscaping, refuse storage provision, pedestrian access off Dallin Road and on-site parking off Mayplace Lane."
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Luke Hill against the Council of the Royal Borough of Greenwich. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended.
4. In addition, on 30 July 2024 the Government published a consultation on proposed reforms to the Framework and a written ministerial statement. These proposals can only be given limited weight at this stage. Notwithstanding this, the Council have not raised concerns with the principle of the appeal scheme and, as such, it does not form a reason for refusal within the decision notice. In addition, while amendments are proposed to section 12 of the Framework, the overall emphasis remains on providing well-designed places.
5. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party's interests would be prejudiced by my taking this approach.
6. The site address differs on the planning application form, the decision notice and the appellant's appeal form. For clarity, I have used the address provided on the appeal form as this appears to be a more accurate reflection of the site's location.

Main Issue

7. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the design and height of the property.

Reasons

8. Although located to the rear of 53 Eglinton Hill, the appeal site forms a separate parcel of land, that is also in separate ownership to No 53. It is located in a prominent position at the corner of Dallin Road and Mayplace Lane. The built form within the area predominately comprises two storey, terraced properties, of brick, render and tile construction. The roof forms in the area are predominately pitched roofs with gable ends. Consequently, it is the largely uniform height and roof forms of the built form, together with a broadly consistent materials palette, that contribute towards the character and appearance of the area.
9. The proposed development comprises a two storey detached dwelling of a modern design, with a number of components. The property has been designed with its primary frontage facing towards Dallin Road and a side vehicular access from Mayplace Lane.
10. While Council officer's recommended approval, the roof of the first floor element of the appeal scheme features a range of slopes. The appellant asserts that the proposed roof design was chosen for aesthetic reasons, in response to concerns raised by the Council, and to facilitate efficient water runoff. Furthermore, the appellant highlights the roof design allows for two roof lights and lighting shafts to be inserted, thereby providing additional daylight to the first floor bedroom and staircase area. While these reasons are acknowledged, the roof design would, nevertheless, give the appearance of a hipped roof.
11. It has been drawn to my attention that the overall height of the proposed development has been kept to an absolute minimum. The property would be partially sunken into the ground floor, with its first floor section set back by varying distances from the appeal site boundaries. Moreover, the submitted street scene plan indicates that the overall height of the appeal scheme would be of a similar height to the rear outrigger serving No 53. While noting this, by reason of its height, the roof of the first floor section would, nonetheless, be a prominent feature in the street scene.
12. Consequently, the roof design, in combination with its height, would result in an incongruous feature, that would be harmfully at odds with the uniform roof forms of the surrounding built form. This would be further exacerbated by the materials proposed at first floor which, although natural, are not prevalent in the area and would further draw attention to the roof of the appeal property.
13. The proposed single storey element of the appeal scheme would be of modest height, set away from the boundaries of the appeal site and constructed in brick, a prevalent material in the area. Along with a proposed brick wall and timber fence, it would wrap around the front and side of the appeal site. This design and layout would broadly reflect the appearance of the existing boundary treatment along the appeal site frontage.
14. I have given careful consideration to the appellant's detailed submission and analysis of the appeal scheme, including the CGI images and details of the

Planning Committee meeting. The imaginative design has clearly been carefully and thoughtfully considered and is in response to concerns raised by the Council, in respect of an earlier planning application which was refused, and interested parties. This has included the appellant working with the Council over several months. When compared to the earlier planning application, the appeal scheme is significantly reduced, including in respect of the eaves height, massing and scale.

15. The Framework states that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. In this case, taking all these matters into account, the proposed roof form would sit uncomfortably in the street scene, at odds with the overall prevailing roof form of the surrounding built development.
16. For these reasons, the proposed development would result in unacceptable harm to the character and appearance of the area, contrary to Policies D3 and D4 of the London Plan 2021 and Policies DH1, H5 and H(c) of the Royal Greenwich Local Plan Core Strategy with Detailed Policies 2014. Collectively, these seek, among other things, to ensure that development positively responds to local distinctiveness, achieves a high quality of design and maintains the character of the area. It is also contrary to the Framework which seeks, among other things, to ensure development is visually attractive and sympathetic to local character.

Other Matters

17. The appellant has raised numerous concerns with the Council's handling of the planning application, including the length of time taken to make the decision. They have also raised concerns in respect of the Planning Committee, including the length of the meeting and the nature and detail of the debate. However, in determining the appeal, I am required to have regard to the planning merits of the proposal. These are therefore matters between the appellant and the Council.

Planning Balance

18. Paragraph 11 of the Framework states that the presumption in favour of sustainable development is engaged in circumstances that include where the policies most important for determining a scheme are deemed out-of-date. This includes, with regard to proposals for housing, where the Local Planning Authority cannot demonstrate a Framework compliant supply of deliverable housing sites.
19. The Council has confirmed that they are unable to demonstrate a Framework compliant supply of deliverable housing sites, and advise the current supply is 2.6 years. Therefore, paragraph 11 d) is engaged. The application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed. Consequently, in these circumstances, this means granting permission unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

20. The proposed development would cause harm to the character and appearance of the area. As such, it would not accord with the development plan as a whole. The weight to be given to this conflict is significant, as the policies in respect of this matter are broadly consistent with the provisions of the Framework.
21. The appellant highlights that there is a desperate shortage of high quality homes in the country, including London. The proposal would make a modest contribution towards the areas housing supply, making efficient use of the land and supporting the Government's objective of significantly boosting the supply of homes. The Framework supports the development of windfall sites and great weight should be given to the benefits of using suitable sites within existing settlements for homes, in an area which is well located.
22. The Framework is also supportive of small and medium sized sites, such as this site, which can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.
23. The appeal scheme would lead to some social and economic benefits through the construction of the property and the activities of the future residents of the scheme. Moreover, it includes associated environmental sustainability enhancements, one off-street parking space, a green roof, a rear garden of 50 square metres and additional landscaped areas. Given the scale of the proposed development, even cumulatively, these benefits attract modest weight.
24. The appellant highlights the Framework is supportive of brownfield land. However, there is little substantive evidence to demonstrate that the appeal site comprises such. This therefore carries limited weight.
25. The appellant states that the Council raise no objection to the principle of development and there are no objections in respect of residential amenity, highways, car and cycle parking, impact on trees, landscaping, sustainability, housing mix, standard of accommodation, waste and refuse storage provision or ecology. Furthermore, the appellant asserts that the internal floor to ceiling heights comply with the required standards and the development would provide appropriate levels of daylight and sunlight. An absence of harm or compliance with such matters are neutral factors, which weigh neither for nor against the proposal.
26. While there is support for new housing, having considered the benefits and adverse impacts of the appeal scheme, I conclude that the harm identified in respect of the main issue would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

27. For the above reasons, I conclude that the proposed development would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

S Pearce INSPECTOR