



Appeal Decision

Site visit made on 6 August 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2024

Appeal Ref: APP/E5330/W/24/3342042

35-37 Sandy Hill Road, Woolwich, Greenwich SE18 7BQ

- 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 Mrs Pritam Kaur Rayat against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 23/2829/F.
 - The development proposed is described as the "construction of second floor including part first floor and part second floor rear extension, conversion of 2 bedroom flat into 1 studio and 2no 1 bedroom flats along with secure cycle and bin storage on the ground floor."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
3. I am also aware of the Deputy Prime Minister and Secretary of State for Housing, Communities, and Local Government's Written Ministerial Statement "Building the homes we need" dated 30 July 2024 regarding changes to the planning system, and the consultation "Proposed reforms to the National Planning Policy Framework and other changes to the planning system" dated 30 July 2024. However, I am content that the issues they both raise are not material to the determination of the appeal proposal based on the information before me, consequently, there has been no need to seek the views of the parties in regard to these proposed changes.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the host building, the terrace, and the area, with particular regard to its scale and design; and,
 - Whether the future occupiers of proposed flat no. 1 would have satisfactory living conditions, with particular regard to private outdoor amenity space.

Reasons

Character and appearance

5. The appeal site occupies a corner location, its frontage is mainly onto Sandy Hill Road, and it has its side elevation facing onto Frederick Place. The property has a retail unit at ground floor with a flat above, it lies at one end of a terrace of two-storey properties. The property has existing rear projections at both ground-floor and first floor level that are parallel with the pavement alongside Frederick Place. Sandy Hill Lane on the approach from the Woolwich direction rises steeply up to the appeal site, which along with its corner position and the alignment of the nearby roads, makes the position of the appeal site particularly prominent. The property in question is also partly visible from nearby Crescent Road.
6. It is noted that the terrace of properties the appeal property is within, has some small variation in roof heights, perhaps partly due to the change in ground levels and some properties having different parapet walls to disguise their flat roofs. It is acknowledged that the appeal property's roof is the lowest in the terrace, nevertheless, its two-storey scale is very apparent alongside the remainder of the other properties in the terrace and those on the opposite side of Sandy Hill Road near to the appeal site. This provides a strong sense of uniformity in the scale of buildings in this part of the road. Although there are some three storey properties nearby, including on Crescent Road, very near to the appeal site, they are largely seen differently to the terrace of properties the appeal property is part of.
7. The additional storey of accommodation would appear as a wholly discordant feature to the property, harmfully contrasting against its simple two-storey form. Moreover, the upward extension at one end of the terrace would be an incongruous addition that would harm its relative uniformity, particularly when viewed from Sandy Hill Lane, and its appearance would fail to harmonise with most other properties in the immediate area. Furthermore, its setback from the first-floor level, which is said to provide a subservient appearance, would exacerbate this harm, by introducing a visually dominant design feature in such a prominent location where terraced properties mostly do not include a setback on their highest storey.
8. The proposed ground floor and first floor extensions to the rear of the appeal property would extend along the side facing onto Frederick Place. The appeal property already has a long side boundary onto that road, and the proposal's part two storey scale would relate well to the scale and alignment of property's nearby along Frederick Place. In addition, these proposed extensions together would ensure there was adequate separation retained at the rear of the appeal site between it and the nearest property. Whilst the proposal would extend further from the rear elevation of the host property, it is not necessarily objectionable given its corner siting and due to its scale broadly relating to the built form of the existing property, the terrace, and the area.
9. It is noted that there is no dispute between the main parties regarding; the proposed flat roof design; and the proposed window openings. However, these factors along with my findings above regarding the proposed ground floor and first floor rear extension, would not off-set the identified harm regarding the proposed second floor storey.

10. The appellant has drawn my attention to a planning permission¹ at 71-79 Sandy Hill Road, which is located nearby, for a mixed-use development that was granted planning permission in 2023. That proposal is a newbuild, that appears to have more storeys of accommodation than the appeal proposal and it includes a recessed top floor level. However, it is a much larger and comprehensive form of re-development across a wider and deeper site, unlike the appeal proposal that seeks permission for extensions to an existing end terraced building within a terrace of similar properties. As such, whilst I can understand why the appellant has brought this to my attention, it is not comparable to the appeal scheme, and it does not alter my findings above.
11. I therefore conclude that the proposed ground floor and first floor extensions to the rear would relate well to the character and appearance of the building, the terrace and the area. However, the scale and design of the proposed second floor storey would be harmful to the character and appearance of the property, the terrace, and the area, and conflict with Policy D3 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP) and Policy DH1 of the Royal Greenwich Local Plan, Core Strategy with Detailed Policies, adopted July 2014 (RGLPCS) insofar as they require high quality development that positively responds to local distinctiveness and the built environment in terms of scale, height and massing. The proposal would also conflict with paragraphs 124 and 135 of the Framework, insofar as they require new development to add to the overall character of an area, be sympathetic to local character, and for upward extensions to relate well to the prevailing height and form of neighbouring properties and the overall street scene.
12. In addition, there would also be conflict with one of the key objectives of the Royal Borough of Greenwich's Urban Design Guide, Supplementary Planning Document, dated June 2022 (SPD), which seeks to create high quality well-designed places. The Council referred to the proposal conflicting with Chapter I of the SPD, which is specifically focussed on householder development, consequently I did not find it to be directly determinative on this proposal for an upward extension in a mixed-use building.

Living conditions – future occupiers

13. Both LP Policy D6 and Standard 26 of the Mayor of London's Housing Supplementary Planning Guidance, dated March 2016 (SPG) state for a 1-2-person dwelling, a minimum of 5 square metres of private outdoor amenity space should be provided. In addition, RGLPCS Policy H5 states that flats should have a good-sized balcony, a terrace, or a communal garden. In this case, proposed flat no. 1 is a 1 – bedroom, 2-person first floor flat, which would have no outdoor private amenity space. It is also said that it would have a gross internal floor area of some 51 square metres, which is just above the minimum 50 square metres required for such a property.
14. The appellant has referred to 3 no. areas of public open space said to be nearby, which are shown on their submitted google maps, and are said to be between 9 - 12 minutes' walk from the appeal site. As such these public spaces are not very close to the appeal site and walking to and from them would take considerable time. Furthermore, they would not offer any close-by outdoor space that would compensate the occupiers of flat no.1 having no private outdoor amenity space at the appeal site itself.

¹ Ref. 22/1577/MA

15. It has also been argued that it is commonplace across London for flats to have no private outdoor amenity space, whether that be so, such standards can change over time, but the proposal in question must be determined against current planning policies. As such, this argument is insufficient justification to allow the occupiers of proposed flat no. 1 to not have such space.
16. The appellant has drawn my attention to paragraph 4.1.32 of the supporting text to RGLPCS Policy H5, that says that lower levels of private amenity space may be acceptable if the proposal is adjacent to public open space or is a conversion scheme with on-site constraints. Whether the proposal is partly a conversion or a subdivision of the existing flat, it is not adjacent to public open space, and there would not be a lower level of private outdoor space, moreover, proposed flat no. 1 would have none. Furthermore, the RGLPCS predates the LP and the SPG, which are both explicit in terms of requiring a minimum level of private outdoor space, and they do not offer the same flexibility as RGLPCS Policy H5.
17. Accordingly, with no private outdoor amenity space for the occupiers of proposed flat no.1, its future occupiers would not have satisfactory living conditions, and the proposal conflicts with the requirements of LP Policy D6, RGLPCS Policy H5 and the SPG, as set out above. In addition, there would also be conflict with paragraph 135 of the Framework insofar as it requires a high standard of amenity for existing and future occupiers.

Other Matters

18. It is acknowledged that it is said the appeal site is not listed or within a conservation area, that there are no objections from interested parties, and that the proposal meets the minimum internal space requirements. However, these are neutral matters that neither weigh in favour or against the proposal.
19. The appellant has stated; that the proposal would bring back into use an empty residential flat, that the proposed additional 2 no. flats would contribute to the Council's supply of housing, particularly for younger adults and families; that the site is at a low risk of flooding; it is within a well-connected area; and that it would be an effective use of under-utilised land. These points are noted, however, they do not either individually and collectively outweigh the harm identified above and the conflict with the development plan. Moreover, in this case I have not been made aware by the parties that the Council does not have a satisfactory supply of housing, consequently paragraph 11 d) ii of the Framework is not engaged. Even had the presumption in favour of sustainable development been engaged, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies of the Framework taken as a whole.

Conclusion

20. The proposal conflicts with the development plan, and there are no considerations, including the Framework that indicate a decision otherwise than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

A Hunter

INSPECTOR