



Appeal Decision

Site visit made on 19 June 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2024

Appeal Ref: APP/E5330/W/23/3331112

78 Footscray Road, Eltham, London SE9 2SU

- 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 Dr Bharat Patel against the decision of the Council of the Royal Borough of Greenwich.
- The application reference is 23/1691/F.
- The development proposed is the construction of a second-floor roof extension with dormers to facilitate the creation of a studio flat, in addition to associated internal and external alterations.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government published revised versions of the National Planning Policy Framework ("the Framework") on 5 September 2023, replacing the July 2021 version extant at the time the application was determined, and again on 19 December 2023. In July 2024 consultation began on further proposed amendments to the Framework. None of the changes made or proposed have had a significant bearing on the main issues in this appeal, and it has therefore not been necessary for me to seek comments on them from the main parties. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the area; and
 - Living conditions for occupiers of the neighbouring property No 76 Footscray Road, with particular regard to whether it would lead to an unacceptable loss of privacy, loss of outlook, or sense of enclosure.

Reasons

Character and appearance

4. The appeal relates to a site at the corner of Footscray Road and Halons Road. It is occupied by two buildings which have been linked together. At the front of the site is the "original" No 78 Footscray Road, a two-storey semi-detached building with hipped roof, which was previously a single dwelling but converted to two self-contained flats at some point. It is attached to No 76 Footscray Road, an older Edwardian property to the north. At the rear of the site is a more modern section, added after 1970 and also of two storeys with a hipped

roof, which runs along the Halons Road frontage. It contains two further flats. The two parts of the building are linked by a flat-roofed section. The surrounding area is predominantly residential in character (though several buildings on Footscray Road contain commercial units) and comprises a mix of different building styles including both traditional and modern development.

5. The proposed development is the alteration and extension of the roof of the original part of No 76 and the flat-roofed link section, to provide an additional (studio) flat at second floor level. The eaves of that part of the building would be raised by around 0.8m and the ridge by around 1.2m to accommodate the increased floorspace. The new roof would replace the existing pitched roof of the original part of No 76 and the flat-roofed link section connecting to the more modern rear building. There would be two rooflights on the east-facing roof slope towards Footscray Road, one on the south-facing slope towards Halons Road, and another on a flats section of roof towards the rear of the new roof. Two new dormers would be added to the rear of the building; a smaller one on the west-facing roof slope close to the boundary with No 78, and a broader one on the north-facing slope.
6. There would also be two new two-storey gabled bays added to the Halon Road frontage, and one facing Footscray Road. Gables, and gabled bays, are a reasonably common feature in the area. Among other examples I saw, they are present in varying sizes and forms on Nos 2A and 2 Halons Road, immediately west of the site, as well as on No 76 Footscray Road. Gables are not therefore inherently alien or unusual in the locality.
7. However, where I saw gable features nearby, the gables within any single property tended to be consistent in size and style. In the case of the appeal scheme, the second bay on the Halons Road elevation would be considerably (and distinctly) taller and wider than the other two. The proposal would give that side of the appeal property an incongruous and unbalanced appearance. While I agree with the appellant that it is common in urban design terms for corners to be given a degree of prominence or dominance over the (often) lower terraces on either side, the larger gable would be fairly plain in design and set some way back from the corner. In my view, the proposed design would fail to create a "strong" corner feature in a coherent way. It would not be comparable to the nearby "Jefferies Lodge" development at the corner of Footscray Road and Ladysmith Road, which I saw has a much more internally-consistent approach to its design than this appeal scheme.
8. I note that the Council appeared to consider that the raising of the eaves to be an acceptable element of the proposal. However, this would leave large brickwork gaps between the top of the first-floor window openings and the eaves, which would add to the disjointed appearance of the appeal building. In my view, this factor would make a modest further contribution to the harm which the development would cause.
9. The two proposed rear dormers would each take up a considerable proportion of their roof slope, contrary to advice in the Council's 2018 *Residential Extensions, Basements and Conversions* Supplementary Planning Document ("the SPD") which, though it outlines that dormers are acceptable to the rear of a house, goes on to advise that they should be small scale. At the same time, they would not be widely seen from public spaces around the appeal site (it is likely that only glimpses of the larger north-facing dormer would be seen in the

gap between buildings on Halons Road), and the materials would be appropriate. While the proposed dormers would be significant additions to the roof of the building, they would be unlikely to be significantly harmful in their own right. However, they would again add to the perception of a bulky and cumbersome development at roof level, and so would contribute to the unacceptability of the appeal scheme as a whole. Other dormers nearby to which the appellant drew my attention did not appear to me to be sympathetic to their host building, or demonstrative of high-quality design, and they do not serve as a positive advertisement for that type of development.

10. I conclude that, because of the scale and design of the proposed development, it would be harmful to the character and appearance of the area. It would therefore conflict with Policies DH1 and DH(a) of the 2014 Royal Greenwich Local Plan: Core Strategy ("the LPCS), and with Policies D3 and D4 of the London Plan 2021. Together, and among other things, those policies seek to ensure that developments (including residential conversions and extensions) are well-designed and maintains the character of the area.
11. There would also be conflict with the provisions of the Framework which seek to achieve well-designed places. There would be particular conflict with paragraphs 126, 130, 134 which seek high-quality buildings and places, seek to ensure that development is visually attractive and sympathetic to local character, and state that development that is not well-designed should be refused permission.

Living conditions

12. The proposed dormer on the north-facing roof slope would have windows serving the bedroom of the new studio flat on the second floor. These would offer a direct view into a bedroom at the rear of No 76 Footscray Road, at a very short range and from an elevated position. The appellant's statement included modelling of the views from both the dormer windows and from the existing window at No76. I am satisfied that the proposed dormer would not be so prominent or intrusive as to cause significant harm in terms of either being overbearing or limiting the outlook from No 76.
13. However, contrary to the appellant's stance, in my view the modelling also shows that that the dormer windows would offer a clear view into the bedroom at No 76. I am not persuaded that either the acute angle of the view or the height of the internal cills within the appeal property would offer any great mitigation. Given the proximity and elevation of the dormer windows, I consider that they would result in a significant loss of privacy for the occupier of the neighbouring bedroom.
14. I therefore conclude that the proposed development would cause unacceptable harm to living conditions for the occupiers of No 76 Footscray Road. As a result, it would conflict with Policy DH(b) of the LPCS which seeks to ensure that new development does not cause an unacceptable loss of amenity for neighbouring occupiers, including as a result of a loss of privacy. It would also conflict with the provisions of the Framework in this respect, notably paragraph 130 which seeks development which functions well and which offers a high standard of amenity.

Other Matters

15. The appellant has referred extensively to changes made in this scheme since an earlier proposal was refused planning permission in 2022 (LPA Ref: 22/0622/F). While I note that the Council described the appeal scheme as “much reduced” when compared to that previous proposal, I have determined the appeal based on the planning merits of the scheme before me.

Planning Balance and Conclusion

16. The Council’s evidence indicated that it is only able to demonstrate a housing land supply of 2.8 years. In line with Footnote 8 of the Framework, I therefore consider that the most important policies for determining the appeal should be considered out of date, and the presumption in favour of sustainable development set out in Paragraph 11 d) of the Framework applies. As such, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. The proposed development would provide one additional new dwelling over the current provision on the site. This would be close to shops and services, and it appears likely that development could be brought forward quickly. Given the very small scale of the scheme, this would represent a modest social and economic benefit which carries moderate weight in favour of the proposal.
18. The proposed development would be harmful to the character and appearance of the area, and to neighbours’ living conditions. I consider that its deficiencies in these respects would be significant. As such, there would be conflict with the provisions of Chapter 12 of the Framework which seek to achieve well-designed places. In particular, the proposal would not accord with the requirements of paragraph 130 which seeks to ensure that development adds to the overall quality of the area, is well-designed, and sympathetic to local character, and that it provides a high standard of amenity for existing and future users.
19. Overall, I consider that the harm from the development would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. The proposal would not amount to sustainable development in the terms set out in the Framework.
20. Section 38(6) of the Planning & Compulsory Purchase Act 1990 and the Framework state that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
21. The proposed development conflicts with the development plan, taken as a whole. There are no material considerations, including those of the Framework, that indicate the proposal should be determined other than in accordance with the development plan.
22. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector