



Appeal Decision

Site visit made on 23 September 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal Ref: APP/E5330/W/23/3327040

48 Brookhill Road, Woolwich SE18 6TU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Marcia Olasemo against the decision of the Council of the Royal Borough of Greenwich.
The application Ref is 22/3277/F.
 - The development proposed is the erection of a garden shed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reasons for refusal focus on the lack of section drawings provided. Such plans accompanied the appeal, but represent the submission of new information. The appeal process should not be used to evolve a scheme and it is important that what I considered is essentially what was considered by the Council, and on which interested people's views were sought. While the appellant argues that the information shown on the revised plans should have been obvious, it remains that this was not expressly provided with the application and would not have been consulted on. In addition, I note the concerns of the Council regarding potential differences in the measurements and siting as shown on the revised plans when compared with those submitted with the application. Accordingly, I have determined the appeal on the plans on which the Council made its decision.

Main Issues

3. The main issues are the effect of the proposed development on: the character and appearance of the appeal site and surrounding area; and the living conditions of residents of surrounding properties, with particular regard to light.

Reasons

Character and appearance

4. The appeal site comprises a two-storey terrace property currently in use as self-contained flats. It has a long, sloping back garden, which rises away from the rear elevation of the property and currently houses a shed.
5. The proposal seeks to remove the structure currently present and replace this with a garden shed of similar external materials. It would be sited further from the rear elevation of the property than the current shed, but would be in close proximity to the side boundaries with neighbouring dwellings.

6. The proposal would be of much greater dimensions than the current shed due to its larger footprint and proposed length. Although I observed other rear structures at neighbouring properties, these were largely of a more modest footprint, set discreetly within the gardens. By contrast, the proposal, due to its dimensions, has the potential to result in a more prominent addition at the site, particularly given the sloping nature of the garden.
7. It is unclear from the application plans submitted as to precisely how the proposal would be placed at the site. Given the steep slope of the rear garden, it is possible that the proposal would sit in an elevated position. Combined with its sizeable footprint and length, this would result in the shed being an unduly prominent feature in the context of both the rear garden at the site and the neighbouring properties, reading as an overwhelming addition.
8. While the rear garden position of the proposal would limit its visibility in the wider area, it remains that the shed would be readily experienced by occupiers of neighbouring dwellings. Even though a shed would generally be expected in such a position, in the context of the more modest and subtle neighbouring rear garden development, the combination of the dimensions and potentially elevated position of the proposal would lead to it appearing uncharacteristic and visually jarring when experienced in the surrounds.
9. For the reasons given I cannot be certain that the proposal would not result in significant adverse effects on the character and appearance of the appeal site and surrounding area. As such, it would fail to comply with Policy DH1 of the Royal Greenwich Local Plan Core Strategy with Detailed Policies 2014 (the Core Strategy), Policy D3 of the London Plan, and the Royal Borough of Greenwich Urban Design Guide Supplementary Planning Document (the SPD) which together seek to ensure development responds to and has a positive relationship with its context, including by taking account of topography. While reference is also made to Policy DH(a) of the Core Strategy, this appears to relate to residential extensions.

Living conditions

10. Due to the dimensions of the proposal and its proximity to the side boundaries of the appeal site, it would introduce built form stretching along a sizeable portion of the length of the neighbouring rear gardens, with limited setback. The Council has suggested that this would not result in unacceptable impacts on the amenity of neighbouring occupiers were it to be positioned on flat ground. Based on my observations, I have no reason to disagree.
11. However, as noted above, there is uncertainty as to how the proposal would be placed at the site. Given the steep slope of the rear garden at the appeal property, the proposal may sit in an elevated position. While the proposal would be some distance from the rear elevations of the neighbouring properties, its potential elevated position, combined with its proximity to the side boundaries of the site and the narrow nature of the rear gardens in the area, could result in undue overshadowing of the immediately neighbouring rear garden spaces. Based on the information before me, I cannot be certain that this would not reduce the amount of time during the day when sunlight or daylight would reach these spaces to an extent that would unduly impact the use and enjoyment of the rear gardens by their occupiers.

12. For the reasons given, I cannot be certain that the proposal would not result in significant adverse effects on the living conditions of occupiers of neighbouring properties, with particular regard to light. As such, it would fail to comply with Policy DH(b) of the Core Strategy and the SPD, which seek to ensure that development will only be permitted where it can be demonstrated that it does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight or sunlight they enjoy.

Other Matters

13. The appellant has raised concerns with the Council's conduct. However this does not impact my assessment of the planning merits of the appeal. The appellant has further stated that the proposal would benefit from permitted development rights, had such rights not been removed. Nevertheless, on the evidence before me the appeal site does not benefit from such rights.
14. It is stated that the proposal is required for ancillary storage, to aid in tending to the garden at the property, much of which would remain with the proposal in place, replacing the current aged structure on site. While this is acknowledged, it remains that, for the reasons given above, I have found the proposal would result in harm and conflict with the development plan, which would not be outweighed by this need, even when taken together with the other matters raised.

Conclusion

15. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR