



Appeal Decision

Site visit made on 7 August 2024 by N Manley BA (Hons)

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2024

Appeal Ref: APP/E5330/D/24/3341465

22 Foxes Dale, Greenwich, Blackheath SE3 9BQ

- 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 and Mrs Satbir and Amy Kler against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 23/4091/HD.
 - The development proposed is described as "Proposed alterations and extensions to the house, including demolition of the conservatory and partial demolition of the garage, erection of a one and two storey rear extension, single storey side extension and two storey front "infill" extension, roof extension and alterations to accommodate side gable ends and rear dormer window and addition of brick cladding to existing elevations."
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Decision

1. The appeal is allowed and planning permission is granted for "proposed alterations and extensions to the house, including demolition of the conservatory and partial demolition of the garage, erection of a one and two storey rear extension, single storey side extension and two storey front "infill" extension, roof extension and alterations to accommodate side gable ends and rear dormer window and addition of brick cladding to existing elevations" at 22 Foxes Dale, Greenwich, Blackheath SE3 9BQ in accordance with the terms of the application, Ref 23/4091/HD, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: 185/02/00; 185/02/02; 185/02/03; 185/02/04; 185/02/06; 185/02/07; 185/02/08; 185/02/09; 185/02/10; 185/02/11; 185/02/20 and 185/02/24.
 - 3) Notwithstanding condition (2), no development shall commence on site until samples of all external materials and finishes, windows, external doors and roof coverings to be used for the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 4) Prior to the commencement of works, and notwithstanding the approved Arboricultural Method Statement (dated 30/12/2023, Rev. 1) a detailed pruning schedule of Tree T2 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The appeal site is situated in the Blackheath Park Conservation Area (CA). I shall therefore have special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. After the appeal was submitted, a separate appeal decision (APP/E5330/W/23/3327234) concerning a different proposal on the appeal site was issued. The appellants brought this decision to my attention, and the Council was given an opportunity to comment on it. I have referred to this subsequent decision in my recommendation and do not believe that considering it has prejudiced the interests of any party.

Main Issue

5. The main issue is the effect of the proposed development upon the appeal site and whether it would preserve or enhance the character or appearance of the CA.

Reasons for the Recommendation

6. According to the Blackheath Park Conservation Area Appraisal (BPCAA), the CA encompasses a significant portion of land that was once part of a large rural estate bordering the Heath. Today, it is characterised by a rich array of historic housing styles, from Georgian and Victorian villas to twentieth century dwellings and modern flats. This architectural diversity, along with tree-lined avenues and restricted road access, creates an exclusive suburban atmosphere.
7. The appeal site is located in the Cator Estate South part of the CA, which the BPCAA describes as having no common building style with a wide palette of building materials on display. Insofar as it relates to this appeal, the special interest of the CA is primarily defined by its remarkable variety of distinct architectural styles, reflecting a range of building materials and designs from different periods, complemented by the area's verdant qualities.
8. 22 Foxes Dale (No 22) is a L-shaped, two-storey dwelling situated about halfway along the western side of the road. While believed to have been built in the 1950s, it is thought to exhibit a character more typically associated with 1930s architecture. The property itself is relatively modest in scale and design when viewed against neighbouring properties and lacks architectural detailing. Set back from the road, it follows the building line of the neighbouring properties, affording it a generous front garden and a long rear garden. Based on the available evidence, I consider that due to its spacious and landscaped qualities, the site makes an overall positive contribution to the significance of the conservation area.
9. The Council argues that the cumulative impact of this proposal would cause harm to both the host building and the wider CA. However, I have taken into account the previous proposal for a replacement dwelling on this site, which

was dismissed at appeal in June 2024, due to the harm that would have occurred as a result of tree works proposed to facilitate the development. Although the two proposals differ, the current appeal presents a proposal significantly smaller in size, scale, and mass compared to the dismissed scheme, in respect of which the Inspector did not raise any concerns. This is an important material consideration in the context of the present appeal.

10. The proposed two-storey side infill extension would result in the loss of the existing L-shaped element of the property. However, this L-shaped footprint, while unique to the property, is not a defining feature of the wider CA. Given the variety of architectural styles visible from No 22, including a contemporary design to the north, the extension would continue to align with the area's characteristic mix of designs. The proposal would maintain a distinctive and individually styled front elevation that would complement, yet remain distinct from, neighbouring properties, thus ensuring the character and appearance of the CA is preserved.
11. No 22 is set significantly back from the highway, behind a generous front garden, and the extension's alignment along the existing southern side elevation would preserve the spacing between the appeal property and no 24. This would largely maintain the sense of spaciousness and the open character of the site, with any perceived visible loss of space from the highway kept to a minimum.
12. The Council argues that the proposed side extension, with a 0.3m setback from the front of the existing building does not meet the specific requirements of the Urban Design Guide Supplementary Planning Document (SPD). However, the roof of the two-storey side extension would be positioned lower than the highest ridge of the main building and, together with the setback, would ensure that the extension appears secondary and subservient to the original house, aligning with the overall aims of the SPD.
13. The proposal involves altering the existing hipped roof into a pitched roof with gable ends on both the main building and the two-storey side infill extension, which would increase the roof height. This conflicts with the SPD guidance, which states that the Council does not support converting a sloped hip-end roof into a flat gable-end roof on the side of a house, as it can create an unbalanced and overbearing appearance. However, the proposed design avoids this issue, as the gable ends on both side elevations would give the property a mirrored and proportionate look. Furthermore, the increased roof height would remain relative to the building's extended footprint and below the roof heights of neighbouring properties.
14. While several hipped roofs are visible from the appeal site, the immediate vicinity of No 22 displays a wide variety of roof styles. Notably, a similar pitched gable roof exists at No 18 and a more distinctive contemporary roof design is present at No 16. Considering that the special interest of the CA is partly derived from its wide variety of architectural styles and does not prescribe uniformity in design, it is my conclusion that the overall design, scale, and size of the proposed roof alterations would not harm the established roofscape of the CA.
15. Regarding the rear extensions, the Council's concerns focus on the proposed two-storey gable element, with no issues raised about the ground floor element. Based on my site observations and assessment of the evidence, I find

no reason to disagree with this conclusion. Therefore, I will limit my further consideration to the Council's concerns regarding the two-storey gable aspect of the rear extension.

16. Compared to the original building and neighbouring properties, the proposed depth of the two-storey element would not appear visually excessive or overwhelming. While the design of the rear gable would be visually prominent when viewed from the rear garden, its height would be lower than the proposed ridge height of the new roof over the original dwelling. Additionally, the width of the two-storey rear extension would occupy less than half the width of the entire plot, in line with the SPD. Therefore, I conclude that the two-storey gable would not overpower the existing building; instead, it would serve as a subordinate addition, respecting the character and appearance of the surrounding area.
17. Furthermore, I do not find the proposed black aluminium finish of the windows would be uncharacteristic to the area. Upon observing the window materials along Foxes Dale, the design and materials used varied individually from house to house, ranging from more traditional designs and materials to more contemporary designs, finishes and colours.
18. Overall, and having regard to the previous Appeal Decision, I conclude that the cumulative impact of this proposal would be acceptable. Given the above, the proposal would cause no harm to the appeal site and preserve the character and appearance of the CA as a whole. I therefore find no conflict with chapters 12 and 16 of the National Planning Policy Framework (the Framework), Policies D3, D4 and HC1 of the London Plan (adopted 2021), Policies DH1, DH3, DH(a) and DH(h) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (adopted 2014) and guidance with the SPD and the BPCAA.
19. Amongst other things, these specifically aim to ensure that development incorporates high-quality design that is appropriately scaled and styled for both the building and its surroundings. Furthermore, they seek to promote a positive contribution to local character and distinctiveness, enhance the local context, demonstrate a clear understanding of the area's historic environment and heritage values, and preserve the character and appearance of conservation areas.

Other Matters

20. The Council raised some concerns regarding the information provided in relation to proposed pruning of tree T2. I have had full regard to the tree documentation provided and I am satisfied that, subject to the imposition of a condition requiring a detailed pruning schedule of T2 to be agreed with the Council, the proposed development would not compromise the long-term longevity and well-being of this tree.
21. I have taken into account all representations made on the proposal. Concerns have been raised regarding a potential loss of privacy and amenity to occupiers of neighbouring dwellings as a result of the development. However, the Council did address this matter within their officer's report and identified no harmful impact on the living conditions of neighbouring residents. Based on my assessment of the evidence before me, and my site visit observations, I see no reason to disagree with the Council's conclusions in that respect.

22. Other concerns have been raised about the proposed increase in the property's overall floor space. However, this was not an issue identified by the Council, and based on my site observations and the evidence before me, I find no reason to disagree with their view.

Conditions

23. In addition to the standard time limit, I shall impose a condition specifying the relevant drawings which the development must accord with, in the interests of certainty and to provide clarity. The appellants have confirmed their agreement to the pre-commencement conditions. As the appeal site is located within a conservation area, it is necessary to request further details of the finishing external materials to be agreed with the Council prior to commencement, in order to preserve the character and appearance of the area. A pre-commencement condition regarding the proposed pruning of tree T2 is required to ensure the tree's health is protected from the effects of the development and to preserve the character and appearance of the CA.
24. The Council suggested the imposition of a condition that would restrict access to the flat roof. However, the use of the roof area as a balcony, terrace or roof garden would not be permitted development and would therefore require planning permission to be granted separately. For this reason, this condition is not necessary.

Conclusion and Recommendation

25. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed.

S Edwards

INSPECTOR