



Appeal Decision

Site visit made on 15 October 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/E5330/W/24/3345429

67 Garrick Drive, Greenwich, Thamesmead SE28 0EQ

- 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 Ms Wendkouni Savadogo against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 23/3818/F.
 - The development proposed is demolition of detached garage and erection of detached 2 bedroom 3 person house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal submission the appellant has provided revised plans, drawings PL/04-A, PL/05-A, PL/06-A, PL/07-A, PL/08-A and PL/10-A, showing a ground floor WC, a change to the internal layout of the room within the roof and changes to the floor to ceiling heights of all floors.
3. Section 16 of the Procedural Guide: Planning Appeals – England, 2023, advises that the appeal process should not be used to evolve a scheme and that it is important that what is considered by the Inspector at appeal is essentially the same scheme that was assessed by the Council and interested parties at the application stage. In deciding whether to accept the amended plans I have had regard to the judgement in *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin).
4. In this case, the amended plans result in a material change to the nature of the proposal over what was considered at the planning application stage. The change is a substantial difference to the application and the Council and interested parties have not had an opportunity to consider the scheme, as amended. Consequently, I have not accepted the amended plans for the purposes of this appeal. In the interests of natural justice, I have determined the appeal on the basis of the plans submitted to the Council.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the proposed development would provide acceptable living conditions for the future occupants of the property, with particular regard to internal space provision.

Reasons

Character and appearance

6. The appeal site currently consists of the garage and part of the rear garden of the donor property, 67 Garrick Drive (No. 67). The donor property is one of two pairs of semi-detached houses accessed off a block paved driveway off Garrick Drive. The site sits to the side of No. 67 between the dwelling and an area of public open space with trees and footpaths.
7. The character of the immediate area is residential with a mix of short terraces and semi-detached houses and blocks of flats. The proposed dwelling would be sited in place of the existing garage. It would be two-storey and, in that respect would relate to the surrounding developments. Furthermore, the existing two pairs of semi-detached houses do not have a distinguishable set building line. Consequently, that the appeal proposal would be set slightly further back than the host dwelling would not be harmful to the building line of the street.
8. However, the proposal is for a detached dwelling. Garrick Drive does not currently have any detached houses and the appeal proposal would add a form of housing that would be out of context. It would not be read as an extension to the host property due to the gap between the existing and proposed dwellings. The detached properties referred to by the appellant on Tuppy Street and Livesey Close are all on a different estate and, from my observations, were designed and built as part of the mixed housing estate.
9. All of the houses on Garrick Drive have pitched roofs. Although there are other properties with set back and set down roof sections, these are clearly later additions to the properties designed as subservient extensions or are part of the design of the stepped short terraces.
10. The shape of the proposed plot would result in the front of the building being wider than the rear which would result in a pitched roof with two different ridge heights visible on the front elevation. The wider section would have a lower ridge height than the main part of the building. However, the front elevation, although replicating the host property, would include windows directly under the change in the roof. Consequently, the change in the ridge height, would not appear as a later addition or subservient extension to the main dwelling. The design of the proposed dwelling and the roof would be incongruous and out of keeping with the appearance of other houses on the estate.
11. Moreover, the change in the roof height is on the front elevation and, in that regard, is materially different to the two schemes approved at Foxglove Path where the change in the roof level is at the rear. I saw one of these developments had been constructed and that the change in the roof is mostly screened by the neighbouring property.
12. Views of the proposed dwelling would be prominent from the driveway to the appeal site and neighbouring properties and in this view the change in the roof height would be visually harmful. Views of the front elevation, from beyond the drive, would be restricted due to the presence of the trees within the open space. However, the blank, two-storey, brick side elevation of the proposed dwelling would be highly visible from the path which runs along the side of the

property due to gaps in the trees. This view, which is a public view, would not be fleeting and would be highly prominent. The resultant effect on the character and appearance of the area would be significantly adverse.

13. For the above reasons, I find that the proposal would harm the character and appearance of the area. It would, therefore, be contrary to Policies H(c) and DH1 of the Royal Greenwich Local Plan Core Strategy with Detailed Policies, adopted July 2014 (the CS) and Policies D3 and D4 of the London Plan, adopted March 2021 (the LonP) which, taken together, seek to ensure that all development is of a high quality design, following a design-led approach, positively contributes to the improvement of both the built and natural environment through, amongst other matters, taking account of the architecture of surrounding buildings, the scale, height, bulk and massing of the adjacent townscape, responds to layout, orientation, scale, appearance and shape of the area, and maintains the character of the area with particular regard to the scale, design and density of the development.
14. For the same reasons, the proposal would not comply with the advice set out in the Royal Borough of Greenwich Urban Design Guide Supplementary Planning Document (the Urban Design Guide SPD), which aims to create places that are well designed and fit for purpose, respond to local context and the existing character of an area, and, specifically within Principle C.1.3, requires infill developments to be strongly linked to the character of the place, support the overall cohesion of the townscape and take cues from the surrounding built form in terms of, amongst other matters, scale, massing, height, and roof lines.
15. The proposal would also not comply with the advice at paragraphs 131 and 135 of the National Planning Policy Framework (the Framework) which, amongst other matters, seeks to ensure that development achieves high quality, well-designed, places that are visually attractive and maintain a strong sense of place.
16. The Council has also referred to Policy DH(a) of the CS in their decision notice. However, Policy DH(a) relates to consideration of proposals for residential extensions. As a proposal for a detached new dwelling, Policy DH(a) is not relevant to the consideration of the appeal.
17. The appellant has also referred to parts of the Residential Extensions, Basements and Conversions SPD and the need for extensions to reflect the main house, be proportionate and be set back. However, the SPD referred to relates to extensions and alterations to existing dwellings and is, therefore, not material to the consideration of the proposed appeal for a new dwelling. Moreover, the Council has advised that the Residential Extensions, Basements and Conversions SPD has been superseded by the Urban Design Guide SPD which I have considered above.

Living conditions of future occupiers

18. Policy D6 of the LonP requires all housing development to provide adequately sized rooms with comfortable and functional layouts which are fit for purpose. Policy D6, Part F(1), requires new dwellings to provide at least the gross internal floor area and built-in storage area set out in table 3.1, which for a two-bedroom, three-person, two-storey dwelling is 70sqm. Policy D6 Part F(5)

advises that any area with a headroom of less than 1.5 metres is not counted within the gross internal area unless it is used solely for storage.

19. Policy D6 of the LonP reflects the advice and minimum standards set out in The Technical Housing Standards – nationally described space standard, 2015 (NDSS). Neither table 3.1 of Policy D6 of the LonP or the NDSS provide a minimum floorspace figure for a two-bedroom, three-person, dwelling set over three floors. However, I have taken the minimum for a three-person, two-storey dwelling, as a guide.
20. The Council has calculated the gross internal area discounting the floorspace of the rooms within the roof where the headroom would be less than 1.5 metres and calculated this to be 71.1sqm. The appellant has continued to provide the floorspace measurement of the whole of the second floor, irrespective of headroom height.
21. The appeal proposal would meet the minimum required for a two-storey dwelling. However, the appeal proposal is set over three floors.
22. The main parties disagree whether the additional 1.1sqm would be sufficient to provide the additional staircase required to access the rooms within the roof. The appellant has sought to argue that it would be sufficient, however, this is not reflected in the submitted plans. The staircase between the first and second floor is indicated at a greater floor area than 1.1sqm and would, therefore, reduce the gross internal area of the two-bedroom dwelling to below the minimum 70sqm required by Policy D6 of the LonP and the NDSS. The proposed dwelling would, therefore, fall short of the minimums set in both documents and this would be harmful to the living conditions of the future occupants of the proposed dwelling.
23. Moreover, the second floor plan indicates that the bedroom in the roof space would provide 7.6sqm of floorspace. However, this plan does not indicate the headroom heights, and, from the cross section plan, it is clear that a significant part of this room would be below the 1.5 metre headroom height to be counted as habitable floorspace. The bedroom in the roof space would, therefore, not provide appropriate living conditions for the future occupants of the property.
24. This bedroom space would also only be lit by one roof light in the front elevation of the property. The second rooflight in the roof space would serve the stairs. Nevertheless, the position of the rooflight would be at head height and its size would allow for views out of the room and both sunlight and daylight to be provided to the room. The views from this rooflight would be of the adjacent trees and open space. The single rooflight serving this room would, therefore, not result in poor outlook for the future occupiers of the proposed dwelling. However, that the outlook would be acceptable would not mitigate the harm I have identified from the shortfall in the bedroom size or the overall size of the dwelling.
25. The floor to ceiling heights are shown as 2.35 metres at ground and first floor level and 2.5 metres in the centre of the second floor. Whilst this would comply with the NDSS minimum heights it would not comply with the minimum of 2.5 metres set out in Policy D6 of the LonP. The majority of the proposed dwelling would fail to achieve the 2.5 metres minimum floor to

ceiling heights which would adversely affect the living conditions of the future occupants of the proposed dwelling.

26. As submitted the proposal would provide one bathroom at first floor. The supporting text of Policy D6 of the LonP does refer to second bathrooms, however, this reference is in relation to the minimum gross internal areas being larger for dwellings with five or more bedspaces, or two or three storey dwellings, so as to provide space for an additional bathroom or WC. There is nothing within the wording of either Policy D6 or the NDSS which requires a second bathroom or WC for a three bedroom dwelling and, consequently, that only one bathroom is proposed would not be harmful to the living conditions, when considered against the adopted planning policies.
27. For the above reasons, the proposal would not provide acceptable living conditions for the future occupants of the property, with particular regard to internal space provision and would, therefore, be contrary to Policy D6 of the LonP and Policies H5 and DH1 of the CS which, taken together, seek to ensure all developments are of a high quality, provide adequately sized rooms of at least the minimum gross internal floor area set out, and with appropriate headroom heights, and complies with the Mayor of London SPG.
28. The proposal would, not meet the requirements of Standard 24 of the Mayor of London Housing Supplementary Planning Guidance, adopted March 2016 (the Mayor of London SPG), which requires all new dwellings to meet the nationally described space standard to ensure that all new homes are functional and fit for purpose and offer the potential to be occupied over time by households of all tenures.

Other Matters

29. The main parties agree that the Council is not able to demonstrate a five-year supply of deliverable housing sites with the Council's evidence indicating a 2.6 year supply. Paragraph 11(d) of the Framework therefore applies. Policies DH(1), H(c) and H5 of the CS and Policies D3, D4 and D6 of the LonP are the most relevant policies in considering the proposal. None of these policies seek to restrict new housing within Royal Greenwich and they are consistent with the Framework as a whole. As such I have given the conflict with these policies, identified above, significant weight in this appeal. Although the development may accord with other individual development plan policies the proposed development would conflict with the development plan as a whole.
30. The proposal would accord with paragraph 60 of the Framework which seeks to significantly boost the supply of housing, and with Policy 3.3 of the LonP. The development would provide one additional house with energy efficiencies and carbon savings. The new dwelling would also have associated social and economic benefits both during and post construction. However, given the small scale of the development these benefits are limited. Nevertheless, these benefits contribute positively and carry modest weight in favour of the proposal.
31. The dwelling would not result in an adverse effect on the living conditions of occupiers of neighbouring dwellings or highway safety. It would also have a limited effect on biodiversity and trees and conditions could be used to secure appropriate drainage. However, these matters weigh neither for, nor against the proposal.

32. There would be adverse environmental impacts in terms of the design and form of the proposed dwelling and its adverse effect on the character and appearance of the area. The development would, therefore, be contrary to paragraphs 131 and 135 of the Framework, which amongst other matters seek to secure well-designed and attractive places, promote good design and maintain a strong sense of place.
33. The proposal would also result in adverse living conditions for the future occupants of the proposed development which would be a social and environmental harm. The development would, therefore, be contrary to paragraph 135 of the Framework, which amongst other matters seeks to ensure that developments provide a high standard of amenity for existing and future users. These environmental impacts are afforded significant weight.
34. For the above reasons, the adverse impacts of the proposed development 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

35. The proposal would conflict with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, which would outweigh this. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR