



Appeal Decision

Site visit made on 15 January 2025

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/E5330/D/24/3347166

31 North Park, Eltham, SE9 5AW

- 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 Val Shira against the decision of the Royal Borough of Greenwich.
 - The application Ref is 24/1380/HD.
 - The development proposed is the construction of a single storey side and rear wrap around extension, part 1st floor rear/part two storey rear extension, loft conversion with roof lights. Part Retrospective.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey side and rear wrap around extension, part 1st floor rear/part two storey rear extension, loft conversion with roof lights at 31 North Park, Eltham, SE9 5AW in accordance with the terms of the application, Ref 24/1380/HD, and the plans submitted with it, subject to the following condition:
 - 1) The materials shall match those of the existing house, save for the windows which shall be as specially specified on the application form.

Preliminary matters

2. The application form described the proposed development as being part retrospective. However, at my site visit it appeared that the development is now complete. Whilst the description of the development relates entirely to development at the side and rear of the house, the application drawing reference No.C200 shows a 'Proposed Front (South) Elevation', which is different to that which is shown on the drawing of the existing elevations. Clearly it is the written description of the development on the application form that the local planning authority considered and therefore it is only the side and rear development that is before me in this appeal.
3. A written representations site visit is not a suitable occasion to determine whether the development as built follows the submitted plans without variation. To be clear, my decision is based entirely on an assessment of the plans submitted with the application, and my decision must be understood in that context.

The Main Issue

4. The main issue in this case is the effect of the two-storey rear extension and associated loft conversion on the appeal site and the street scene and on the character and appearance of the Eltham Palace Conservation Area.

Reasons

5. The appeal site is located on the northern side of North Park within the Eltham Palace Conservation Area. The property is a detached dwelling with a large garden to the front and rear. To the rear of the site is Sainsbury's Car Park and beyond this is Eltham Town Centre. To the east, west and south there are residential properties. The dwelling previously had a two-storey and single storey rear extension.
6. The proposed single-storey side extension is of modest height and set back from the front elevation. Taking into account the number of similar single-storey side extensions within the immediate vicinity, it is considered acceptable by the council. I note the comments by the conservation officer with regard to the erosion of gaps between dwellings within this part of the conservation area, but the refusal reasons do not include the side extension and I consider that it does not have a negative impact on the streetscene or the character or appearance of the conservation area.

The effect of the two-storey rear extension and associated loft conversion on the appeal site and the street scene and on the character and appearance of the Eltham Palace Conservation Area

7. The previously existing rear elevation, as shown on the survey drawings, included a 2-storey extension under a gabled roof on the west side of the house, and next to it, a single storey extension under a mono-pitched roof. The 2-storey extension also had a single storey addition to the back of it under a mono-pitched roof. The total depth of the 2-storey extension, with its single storey addition, appears to have been some 6.25m from the original rear façade of the house. The rear façade of the appeal of development extends to the same depth from the original rear façade, but the proposal continues across the full width of the house.
8. As far as the elevations of the proposal are concerned, the east elevation, where the single storey extension is placed, has no windows in the extension, whilst there are 2 high level windows at first-floor, and 2 roof lights in the east facing roof slope. The west elevation loses windows on the ground floor, whilst the first floor retains the same 3 windows as previously, and 2 roof lights are placed in the roof slope.
9. The rear elevation is on something of a grand scale, but unbalanced. On the first and second floors there are 2 windows at each level, placed symmetrically around the central axis of these 2 floors, those at second floor level being in the form of dormers (to which there is no objection by the council). The drawings show that there is no increase in the overall height of the roof.
10. On the ground floor there are 2 sets of 5 folding sliding doors. These do not relate well together or to the fenestration above. In particular the eastern set of doors run beyond the main part of the house into the single storey side extension. This incongruity does not seem to be essential for the internal area that it serves.

Conclusions

11. My decision relates to the refusal reasons, the core of which is that the development would result in considerable harm to the character and appearance of the application site and the street scene. Furthermore, harm would be caused to the character and appearance of the Eltham Palace Conservation Area.

12. Since the Section 72 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area', it is that responsibility that should be first addressed.
13. As I have noted in paragraph 6 above, the side extension does not have a negative impact on the streetscene or the character or appearance of the conservation area. The extensions at the rear of the property cannot be seen from any public area, including from the Sainsbury car park to the rear. This may not be part of the street scene, but it is certainly visited by many members of the public. At my visit I entered this car park and found that there is no view of the rear of the appeal site from this location. Furthermore, there is little likelihood that this will change in the foreseeable future.
14. As the contested appeal development is at the rear of the site, it cannot be seen from any public vantage point. Furthermore, it is only the 5 folding sliding doors that are detrimental to the overall appearance of the development. I thus conclude that the appeal development would not materially affect the character or appearance of the conservation area, and can be said to preserve or enhance its character or appearance in as much as it does not materially bring change. In reaching this conclusion I have noted that the development includes a crown roof. An interested and sufficiently aware eye may be able to detect this roof form from the road, and may regard it as unsuitable in the context of the general run of hipped and gable roofs. This is not sufficiently apparent to affect the perceived character or appearance of the conservation area to amount to a reason for refusal.
15. As to the street scene element of the refusal, in view of the above, this reason fails since there is no element of the development that is opposed by the council that is apparent from the street.
16. I see that there is a good deal of concern expressed by a next door neighbour. Much of the concern relates to disturbance during the construction work. This is understandable, but does not amount to a planning matter. It is also said that the dormer windows will adversely affect this neighbour's privacy. However, since these windows will have the same outlook as the existing windows looking over garden areas, I do not regard this as being material to my decision.
17. In light of these conclusions, the appeal will be allowed.

Conditions

18. Since the development has been carried out, the statutory condition that provides a time limit on the start of development is not required. The council has suggested 2 conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance. The first is that the materials shall match those of the existing house. I consider that this is necessary to ensure the satisfactory relationship of the new development with the existing, save for where the windows are specially specified on the application form. The second suggested condition is that the development shall be carried out in accordance with the plans. This is necessary for clarity and the avoidance of doubt as to the development permitted, but can be dealt with in the terms of the permission itself.

Terrence Kemmann-Lane

INSPECTOR