



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/24/3347780

37 Eltham Park Gardens, Eltham, SE9 1AP

- 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 Robin Ashwell against the decision of the Royal Borough of Greenwich.
 - The application Ref is 24/0970/HD.
 - The development proposed is the construction of a part 1, part 2 storey rear extension and associated external works.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a part 1, part 2 storey rear extension and associated external works at 37 Eltham Park Gardens, Eltham, SE9 1AP in accordance with the terms of the application, Ref 24/0970/HD, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing house.

Main Issue

2. The main issue in this case is the effect of the proposals on the character and appearance the original dwelling.

Reasons

3. The appeal site is a two-storey semi-detached dwelling located on the northern side of Eltham Park Gardens, Eltham. The surrounding area is predominantly residential, mainly consisting of semi-detached houses of similar design, scale, and appearance. The proposed development is confined to the rear.
4. At the rear, there is a single storey rear outrigger with a mono-pitched roof abutting the shared boundary with the attached house at No.39. The appeal dwelling and its neighbours are developed on slopping land, so that the main rear garden area drops down markedly from the ground floor level of the house and its patio area at the rear. There are steps from the patio to the lower garden.
5. In respect of rear extensions, the relevant planning guidance is set out in the Council's Urban Design Guide Supplementary Planning Document (2023) (SPD). Principle I.3.3 of that document advises that all rear extensions are required to

respond appropriately to the scale of the existing building and the size of the garden. This principle also sets out that a 3.6m projection from the rear is typically considered appropriate in Royal Greenwich. With regard to roof forms for single storey rear extensions, section i.91 of the SPD sets out that a flat roof form is generally preferred as it helps to reduce the overall bulk and impact of the extension. Section i.91 of the SPD states that “Careful consideration needs to be given to the relationship with the first-floor windowsill. Generally, the roof line of the extension should be 300mm below the 1st floor windowsill [...]”

6. The council accepts that the single storey element with a depth of 3.25 would not exceed the recommended depth of 3.6m, and its flat roof would have a maximum height of 3.5m. The criticism that underlies the refusal reason is that, when viewed against the backdrop of the original dwelling, sitting on a higher level than the rear garden, the extension would appear as a disproportionate and bulky addition, and that the excessive height of flank walls and rear elevation, in conjunction with the raised patio area, would exacerbate the dominance of this structure. However, the council accepts that single storey element would maintain a sufficient distance (0.6m) between its roof line and first-floor windowsills, in line with the SPD.
7. Having viewed the property from the lower rear garden area, I can see that the house, its existing outrigger and patio, dominates the outlook from that garden to a greater extent than is normal on level ground. It is only because of the falling levels that the proposed ground floor extension has the degree of dominance. That relationship is inevitable, and the appearance of the extension as a result, within this physical relationship, does not make it unacceptable.
8. Turning to the first-floor element of the proposed rear extension, constructed centrally above the ground-floor element, would be relatively modest in scale. The depth would be limited to 2.5m and the width to 3.3m. Sufficient separation distance from both shared boundaries would exist. The ridge of the proposed dual pitched roof would sit well below the original ridgeline, and its eaves below the line of the eaves of the existing roof. Since it would not be visible from the public domain, any perceived lack of adherence of its gabled roof to the existing roof's hipped roof form would be minor, and not decisive in the planning judgement. Furthermore, its rear façade would be set in from the rear elevation of the ground floor element.

Overall conclusion

9. My conclusion on the appeal proposal, in the light of my reasoning above, is that it would have a satisfactory visual relationship with the original dwelling and would not detract from its character and appearance. For these reasons it would conform with Policy D3 of the London Plan (2021), Policies DH1 and DH(a) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014), and the Council's Urban Design Guide - Supplementary Planning Document (2023). Therefore the appeal will be allowed.

Conditions

10. The statutory condition that provides a time limit on the start of development must be imposed. In addition, 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. 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