



Appeal Decision

Site visit made on 8 July 2025

by **A Owen MA BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2024

Appeal Ref: APP/E5330/W/25/3362118

431 Footscray Road, New Eltham, London SE9 3UL

- 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 Footscray Homes Ltd against the decision of Royal Borough of Greenwich.
 - The application Ref is 24/2790/F.
 - The development proposed is demolition of the single storey rear extension and roof to main building and the construction of a new two storey rear extension, new roof and new stair tower; refurbishment of existing first floor and conversion into 5no. self-contained flats (3x1 bed and 2x2 bed), and associated landscaping works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the single storey rear extension and roof to main building and the construction of a new two storey rear extension, new roof and new stair tower; refurbishment of existing first floor and conversion into 5no. self-contained flats (3x1 bed and 2x2 bed), and associated landscaping works at 431 Footscray Road, New Eltham, London SE9 3UL in accordance with the terms of the application, Ref 24/2790/F, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the header and decision above, I have used the description of development given on the original application form as that is sufficiently accurate.
3. The second reason for refusal refers to policy Ha of the Core Strategy (2014). However there appears to be no such policy and instead, on this matter, the officer's report refers to policy H5. I have therefore had regard to policy H5.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area and whether the proposal would provide satisfactory living conditions for its future occupiers in terms of their outlook and access.

Reasons

Character and appearance

5. The site currently accommodates a two-storey building with a dental practice at ground floor level and with the rooms at first floor level used as ancillary storage. The neighbouring land to the south accommodates New Eltham Methodist Church and an ancillary building which, I understand, is primarily a community hall. Aside from that, the area is predominantly residential comprising semi-detached or

detached houses. This includes a row of houses to the north separated from the site by an access road to a sports ground behind.

6. At present, the roof of the main part of the building comprises a number of sections with pitched roofs which results in it having a number of low ridges. It is notably lower than the roof of the neighbouring house at No 429 to the north. The proposal would retain the pitched roofs above the three front facing bay windows but would provide a much taller part behind. However, this would not be much higher than the neighbouring houses to the north. Also, the building is set back slightly further than these neighbouring houses, so the scale of its roof would be less prominent in the street scene. The north facing gable end would be large, but not dissimilar in scale to the side gable at No 429 and, again, by virtue of being slightly set back, not as prominent.
7. The two-storey rear extension part of the proposal would add a considerable volume of built form to the main building. However it is unlikely that this would be clearly visible from the street. There would be no view from positions on Footscray Road to the north, as the extension would be hidden by the roof of the main part of the building, and from the south it is likely that only a very limited view of the top of the stair tower would be seen above the flat roofed community hall. In the context of that flat roof, and though I note the use of fibre cement cladding which is not generally found locally, this element would not appear incongruous when seen from this viewpoint.
8. The rear extension, and stair tower, would be clearly visible from the sports field to the rear and from the rear of the nearby dwellings. From here the development would appear as a substantial increase in built form and in depth which would not be subservient to the original building. However the large pitched roof of the church is visible from here and there is a two storey part of the community hall which has a flat roof and which would still be visible past the development. The use of cladding in some parts would also not necessarily result in an unacceptable appearance when seen from this position, as final details can be submitted for approval as secured by a planning condition.
9. Overall, although the extension would be bulky and would be large compared to the existing building on site, it would not result in the building appearing incongruous due to the unique context of the appeal site. The proposal would therefore comply with policies DH1 of the Core Strategy (2014) which require development to have a positive relationship with the urban context including the architecture of surrounding buildings and the scale and height of the adjacent townscape, and D3 of the London Plan (2021) which states that development should respond to local distinctiveness. There would be no direct conflict with Core Strategy policy DH(a) given that it relates to residential extensions, or London Plan policy D4 which relates more to the review of design statements.
10. The Council refer to their Urban Design Supplementary Planning Guidance and specifically the sections that relate to household extensions. As the existing property is not a household and the proposal would be for new dwellings, I consider the particular paragraphs referenced are of little relevance. Indeed, many of the stipulations, such as having a maximum depth of 3.6m, is suggested partly so as to not impact on the amenity of adjoining neighbouring residents. This is not a relevant consideration in this case.

Living conditions

11. The proposal would provide a flat at roof level. The living/dining room/kitchen of this flat would be served by two windows in the gable end of the building as well as by two rooflights. There would also be a half dormer window serving the second bedroom. The first bedroom and the bathroom would only be served by rooflights, but the cross-section plans show these rooflights would be approximately at eye level. As such, all the rooms in flat 5 would have sufficient outlook and ventilation.
12. The plans show that access to the flats would be from the side, behind the dental practice, and via the access driveway to the sports field. The current access through to the existing single storey extension would be blocked up and used as a store room for the retained dental practice. Therefore there would be no shared access and no route through the practice to the flats above.
13. As such, the occupiers of the proposal flats would have acceptable living conditions. The proposal would therefore accord with policy H5 of the Core Strategy which generally seeks to ensure that housing is of a high quality design, and D6 of the London Plan which seeks the same but specifically refers to the need for proposals to provide sufficient daylight and have accessible entrances.

Other Matters

14. Concerns have been raised by neighbours in respect to traffic and parking. However two parking spaces would be provided, which the Council advise is sufficient in view of the site's good accessibility to public transport services. The Council also suggest that future residents be prevented from applying for parking permits through a planning condition, which would prevent additional pressure on existing parking.

Conditions

15. I have considered the suggested conditions as well as the advice in the National Planning Policy Framework and the Planning Practise Guidance in the wording of the conditions.
16. The conditions relating to the commencement of development and the approved plans are imposed in the interests of certainty. The condition relating to finishing materials is necessary in the interests of preserving the character and appearance of the area, and that relating to the Construction Management Plan is to protect the living conditions of nearby occupiers. Conditions relating to parking provision and securing the development as car-free are necessary in order to minimise any effect on car parking locally, whilst that relating to cycle parking is to encourage alternative modes of transport. The conditions relating to waste storage, the accessibility of the proposed units, water consumption and boiler emissions are to ensure satisfactory accommodation for the future occupiers of the development.

Conclusion

17. The proposal would accord with the development plan taken as a whole. The appeal is therefore allowed.

A Owen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing Nos 1098/300, 1098/301, 1098/302 Rev C, 1098/303 Rev C, 1098/304, 1098/305, 1098/306, 1098/310 Rev D, 1098/311 Rev E, 1098/312 Rev B, 1098/313 Rev D and 1098/314 rev B.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of 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) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority to control and minimise emissions of pollutants and the creation of noise pollution from the construction of the development. This should include a risk assessment and a method statement in accordance with the control of dust and emissions from Construction and Demolition Best Practice Guidance published by the Greater London Authority. The approved Construction Management Plan shall be adhered to throughout the demolition and construction period for the development.
- 5) No development shall take place until arrangements have been made to secure the development as a car-free development in accordance with a detailed scheme or agreement which shall have first been submitted to and approved in writing by the local planning authority. The approved scheme or agreement shall ensure that no occupiers of the approved development shall apply for, obtain or hold an on-street parking permit to park a vehicle on the surrounding public highway (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation), and any occupiers of the approved development shall surrender any such permit wrongly issued or held. Such scheme or agreement shall be implemented prior to the occupation of the development hereby permitted and shall be retained and operated for so long as the use hereby permitted continues.
- 6) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing No 1098/311 Rev E. Thereafter those spaces shall be retained for the parking of vehicles only.
- 7) The development hereby permitted shall not be occupied until full details of refuse and recycling storage and collection arrangements have been submitted to, and approved in writing by, the local planning authority. The approved bin storage details shall be implemented prior to the first occupation of the dwellings hereby approved and maintained thereafter.
- 8) The development hereby permitted shall not be occupied until full details of seven cycle parking spaces, in accordance with drawing No 1098/311 Rev E, have been submitted to and approved in writing by the local planning authority. The cycle parking shall be implemented prior to the first occupation

of the dwellings and those spaces shall thereafter be kept available for the storage of bicycles.

- 9) The development hereby permitted shall not be occupied until details of the boilers have been submitted to and approved in writing by the local planning authority. The boilers shall have dry NO_x emissions not exceeding 40 mg/kWh (0%). The boilers shall be installed and retained for the lifetime of the development in accordance with the approved details unless prior written approval of the authority is given.
- 10) The development hereby permitted shall comply with Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.
- 11) The development hereby permitted shall comply with Regulation 36(2)(b) of the Building Regulations 2010 (as amended by the Building Regulations (Amendment) Regulations 2015/767) and as set out in section G2 of the Building Regulations Approved Document (110 litres per person per day).