



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: 6th August 2025

Appeal Ref: APP/E5330/W/25/3359452

Bridge House, 11 Crossmead, Eltham SE9 3AA

- 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 Hikigaya 2 Limited against the decision of Royal Borough of Greenwich.
 - The application Ref is 23/1950/F.
 - The development proposed is demolition of existing dwelling and construction of part five/part three-storey residential development, with lower ground floor, including landscaping, amenity space, cycle parking, refuse and recycling facilities and other associated works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, the effect on the living conditions of the occupiers of 13 Crossmead with respect to their privacy and outlook, and the effect on biodiversity.

Reasons

Character and appearance

3. The appeal site accommodates a single detached dwelling, set well back from its boundaries and surrounded by a spacious garden. It is located on the corner of Crossmead and Court Road. Crossmead is strongly characterised by two storey, semi-detached houses. Although some have been subject to alterations, such as hip to gable roof changes or side extensions, most retain their original form creating a distinctly suburban character. The road is lined with street trees which adds a verdant characteristic.
4. Court Road has a more commercial character with a parade of shops and Mottingham railway station on the west side of the road. On the opposite corner of Court Road and Crossmead is Royal Court; a small flatted development. Royal Court and most of the commercial properties are three storey buildings; the exception being 188 Court Road which is four storeys high at its front.
5. The rear of the appeal site adjoins railway lines which are set down in a cutting. On the other side of the tracks is The Tarn which is a wooded park with a pond. It is designated as a Site of Importance for Nature Conservation (SINC), an Area of Special Character and is within the Eltham Park Conservation Area. The railway and its verges are also designated as a SINC. The trees in The Tarn are visible over a wide area and add to the verdant character.

6. The proposal would provide 32 flats in a single block comprising a three storey element fronting Crossmead, and a five storey element wrapping around the corner to Court Road.
7. Due to a slight curve in Crossmead, and the street trees, the development would not be likely to be visible from most positions along the road. Indeed, for the same reasons, the development at 188 Court Road is also not clearly visible from here. However, when closer to the site, such as from around outside No 14, the development would be clearly visible but the view of No 188 is still mitigated by street trees. From this position, the three-storey, flat roofed design of the development would contrast sharply with the two storey pitched roof house at No 13 and the suburban character of the street. The blankness of the side elevation, which would be visible across the front of No 13 and above its roof, would emphasise the bulk and massing of the development, whilst the use of burgundy metal cladding on part of this elevation would also draw the eye. The slight rise in the topography towards the site, as well as the fact that the development would be set further forward towards the southeast corner of the site than the existing dwelling, and further forward than No 13, would all add to the prominence of the proposal when seen from this direction.
8. The development would be seen from a substantial distance along Court Road too. From the south, it would be visible from the A20 and from positions further beyond the A20 junction because it would be taller and closer to the Court Road frontage than Royal Court. The plans suggest that, despite being a storey taller than No 188, it would be similar in height. Nonetheless, the proposal would have a wider frontage and greater bulk. Even accounting for the commercial element of this part of the locality, the excessive scale of the scheme means it would dominate the Crossmead/Court Road junction when seen from the south. It would also obscure views of the trees in The Tarn behind.
9. The development would be hard up against the boundaries with the railway and the pavement on Court Road. This would render it conspicuous when seen from positions north on Court Road. Although the building at No 188 can also be seen from the north, views are softened by the trees on the railway embankment on the west side of Court Road. There is no comparable vegetative screening on the embankment on the east side of the road. Furthermore whilst the building at No 188 is positioned at the pavement edge at ground floor level, it is stepped back at first and second floor levels, and stepped back again at third floor. In contrast, the proposal would be at the back edge of the pavement with no set back above. In addition, the development would necessitate all of the existing vegetation in the western part of the appeal site being removed. The loss of this vegetation would detract from the verdant characteristic of the area.
10. From within The Tarn the development would be visible from positions along the footpath close to the entrance gates. By abutting the boundary with the railway lines, the development would be much closer to The Tarn than the existing house, the neighbouring houses and No 188. It would not be screened by vegetation on site or on the railway embankment and would present a tall blank elevation when seen from here. Its greater height and closer proximity than any other building nearby, means it would be unacceptably prominent when seen from The Tarn.
11. Overall, given its position on a street corner, on the outside of a slight bend in Crossmead, and backing onto a railway cutting, and with little opportunity for

mitigatory screening, the development would be visible from many positions. From all these positions it would appear as an excessively tall and wide building with a substantial massing. It would be significantly greater in its bulk than any other development nearby and would be harmfully incongruous, detracting from its suburban and verdant context.

12. It would therefore cause substantial harm to the character and appearance of the area. It would fail to accord with policies DH1 and H5 of the Core Strategy (2014) which together seek to ensure that development is of a high quality design taking account of the existing urban context including the scale, height, bulk and massing of the adjacent townscape. It would also conflict with policy DH(I) of the Core Strategy, which seeks to protect views from Areas of Special Character. Policies H4 and H5 of the London Plan (2021) which were also referred to in the first reason for refusal, are addressed further below.

Living conditions

13. The second reason for refusal refers to the development creating a sense of overbearing to neighbouring properties. None of the side facing windows at No 13 appear to serve habitable rooms, and the development would not project significantly further rearwards than No 13 such that the outlook from the windows on its rear elevation would be harmfully affected. However, the outlook from the garden towards the proposal would be substantially altered. Although the taller part of the development would be a significant distance from the boundary, the three-storey part would be very close, and to that part of the garden of No 13 immediately outside the rear of the dwelling. Although the gap between the development and No 13 would be comparable to other gaps between dwellings in Crossmead, the greater height of the development compared to other houses in the street means the relationship would be materially different. The height of the proposal and its proximity to the boundary mean it would appear harmfully overbearing when seen from No 13.
14. In terms of overlooking, the three-storey part of the proposal would have no windows facing directly towards No 13. It would have windows on its rear elevation and, at first and second floor levels, would have small balconies serving units 29, 30, 31 and 32. But details have been provided to show how the balconies could be provided with obscurely glazed side panels and the nearest windows to No 13, in units 30 and 32, could also be obscurely glazed.
15. The taller part of the building would have bedroom windows in units 20 and 25 facing No 13 at third and fourth floor levels. These would be a similar distance from No 13 as the first floor windows on the existing house on site, and similar in size. On the rear elevation of this part of the building there would be large floor to ceiling windows and balconies serving two units per floor. These would not directly face the adjacent dwelling and would most likely allow only an angled view of the rear part of the rear garden, which would also be partially obscured by retained landscaping. These windows and balconies would also be a significant distance from the common boundary.
16. Overall, it is not considered that the development would result in a loss of privacy at the neighbouring property to the extent that it would unacceptably harm their living conditions. The Council also refer to a perceived lack of privacy, and it is clear that there would be a significant increase in the number of openings that would be seen

from the rear garden at No 13. However, because the distances the majority of the openings would be from this neighbouring property, it would not be unacceptable.

17. Nonetheless, the development would unacceptably harm the living conditions of the occupiers of No 13 in respect of their outlook. It would therefore conflict with Core Strategy policy DH(b) which seeks to ensure development does not result in an unneighbourly sense of enclosure. The reason for refusal also refers to policy H(c) of the Core Strategy. However I understand this relates to backland or infill development, which is not strictly what is proposed. It therefore has little relevance to the development.

Biodiversity

18. The Tarn could be home to a number of protected species, including bats. The development could result in an increase in noise, which could be disturbing to wildlife. However, The Tarn, and certainly that part of it closest to the site, is already set in a fairly noisy environment given the presence of the railway line and Court Road. In that context it is unlikely that the proposal would result in greater harm.
19. Similarly though there may be an increase in light pollution resulting from the proposal, it is likely that the street lights and the properties on Court Road including No 188, and the other houses on Crossmead already make this area well lit.
20. It is considered therefore that the development would have no unacceptable impact on biodiversity. It would therefore not conflict with Core Strategy policies OS4 and DH1 insofar as they support proposals that enhance biodiversity, and policy G6 of the London Plan which states that impacts on biodiversity should be managed. There would be no conflict with London Plan policy G1 which aims to ensure London's green spaces are protected, as the development would not harm The Tarn as a green space, notwithstanding the effect on the wider character of the area which includes The Tarn.

Other Matters

21. The site is separated from the Eltham Park Conservation Area (EPCA) by the railway cutting. The significance of the conservation area is largely informed by the presence of Eltham Palace at its centre, the open space around the Palace, and the large detached houses along Court Road which runs through the middle of the EPCA. The setting of the EPCA is its suburban location which makes little contribution to its significance. So although the proposal would be harmful to the character of the area which forms part of the setting of the EPCA, it would not harm the significance of the EPCA due to the very limited contribution that setting makes to its significance.
22. It is not disputed by the parties that the Council cannot demonstrate a sufficient supply of housing land. The Council suggest the supply is 2.8 years, whilst the appellant suggests it is 2.46 years. Either figure shows a significant shortfall in housing land supply. As such, paragraph 11 d)ii) of the National Planning Policy Framework (the 'Framework') is engaged, which requires planning permission to be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework. It adds that particular regard should be had to policies relating to

design, affordable housing, the effective use of land and development in sustainable locations.

23. Paragraph 135 requires development, among other things, to be sympathetic to local character including the surrounding built environment, and to provide a high standard of amenity for existing users. As set out above, the excessive scale of the proposal, when seen in its context, would be harmful to the local character and to the amenity of the neighbouring occupiers. It would therefore conflict with this policy.
24. A completed planning obligation has been submitted which purports to provide a contribution of around £230,000 towards off site affordable housing. Policy H4 of the London Plan requires affordable housing to be provided on site on major schemes. However the Council accept that this would be unviable and agreed that the contribution towards off-site provision was the maximum that could be provided with the current scheme.
25. The Council, in their appeal statement, consider that the failure of the development to provide on-site affordable housing means it does not weigh in favour of the development. However as the Council have accepted that on-site provision is unviable and have agreed the value of the off-site contribution, I consider that the contribution to off-site affordable housing can be given positive weight, even if it is not compliant with Core Strategy policy H3 and London Plan policy H5 which both require 35% of the units on site to be affordable. This would be supported by paragraph 66 of the Framework.
26. There is no dispute that the site is well located with regard to its accessibility to services and facilities by sustainable means, nor that it makes a more efficient use of the site as supported by paragraphs 110 and 129 of the Framework respectively.
27. It is also clear that the development would be supported by paragraph 61 of the Framework which generally seeks to boost the supply of housing, particularly at a time when there is a significant shortfall, and paragraph 125 which advises substantial weight be given to the reuse of brownfield land. In addition there would be some modest economic benefit during and after construction, and the s106 agreement would secure a contribution towards local business support. This would accord with paragraph 85. Any landscaping benefit would be modest given the existing mature vegetation that would be lost as a result of the development, and likewise energy efficiency measures and sustainable construction methods would be reasonably expected of any redevelopment of the site.
28. Overall, despite the accordance with some paragraphs, I consider the conflict with paragraph 135 carries considerable weight and that conflict, and the associated substantial adverse impacts on the character and appearance of the area and the living conditions of neighbouring occupiers, significantly and demonstrably outweigh the benefits. In coming to this view I am conscious the parties agree that a smaller development would fail to secure the benefit of affordable housing. Nonetheless, as set out above, the harms are such that the benefits, including the contribution to affordable housing, are significantly outweighed.
29. The completed s106 agreement would also secure contributions towards carbon off-set, a car club, and cycle training. These would all mitigate the effects of the development so carry no positive weight in the balance.

Conclusion

30. The proposal would conflict with the development plan taken as a whole, and there are no other material considerations, including the provisions of the Framework, that indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

A Owen

INSPECTOR