



Appeal Decision

Site visit made on 23 August 2016

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 September 2016

Appeal Ref: APP/E5330/W/16/3147874

Land to the rear of 314-316 Bexley Road, Parish Gate Drive, Eltham, Greenwich SE9 2PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Vallis against the decision of Royal Borough of Greenwich Council.
 - The application Ref 15/2512/F, dated 5 August 2015, was refused by notice dated 12 October 2015.
 - The development proposed is the erection of a pair of 3 bedroom semi-detached dwellings with access onto Parish Gate Drive and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a pair of 3 bedroom semi-detached dwellings with access onto Parish Gate Drive and associated landscaping at land to the rear of 314-316 Bexley Road, Parish Gate Drive, Eltham, Greenwich SE9 2PN in accordance with the terms of the application, Ref 15/2512/F, dated 5 August 2015, 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 development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1126/01, 1126/14B, 16C, 1126/17, 1126/18, Design & Access Statement, Statement for Sustainable Homes, Statement for Lifetime Home Standards and Tree Survey.

Pre-commencement conditions

- 3) Full details of all facing materials and finishes to be used on the buildings (including samples) shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the development and the development shall thereafter be implemented in accordance with these approved details.
 - 4) Full details of all the hard and soft landscaping arrangements and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The hard landscaping as approved shall be completed before the development is first occupied. The soft landscaping as approved shall include native trees and shrubs, including sizes, species providing pollen, nectar and berries and shall be completed within 12 months or by the end of the first
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planting season after the completion of the development to the satisfaction of the Local Planning Authority. Any tree or plants which die within a period of 5 years from the completion of the development; are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Pre-occupation conditions

- 5) The dwellings within the development hereby permitted must achieve the following energy performance and water efficiency standards:
 - (i) All houses and flats whose material operations have commenced prior to 1st October 2016 must achieve a minimum of a thirty five per cent (35%) reduction in building carbon dioxide emissions beyond Part L of the Building Regulations 2013.
 - (ii) All houses and flats whose material operations have commenced on or after 1st October 2016 must achieve zero carbon dioxide emissions.
 - (iii) The Building Regulations Optional requirement for water efficiency of 110 litres/person/day has been complied with.
 - (iv) No part of the development hereby permitted shall be occupied until evidence of the energy performance and water efficiency standard referred to in part (i) to (iii) of this condition having been achieved, has been submitted to and approved in writing by the Local Planning Authority.
- 6) Prior to the first occupation of the development hereby approved full details of the refuse storage facilities/bin stores and refuse collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the refuse storage facilities/bin stores and refuse collection arrangements shall be provided prior to the occupation of the development and shall thereafter be retained for use at all times from the date of first occupation.
- 7) The dwelling hereby permitted shall not be occupied until the first floor windows in the northern elevation facing 316 Bexley Road have been fitted with obscure glass and once installed the obscured glazing shall be retained thereafter.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is a piece of land overgrown by vegetation on the western side of Parish Gate Drive. The site is located towards the junction of Parish Gate Drive with Bexley Road and Blackfen Road. The area is characterised by residential properties of various ages which is reflected in the scale, form and use of materials. To the south east of the appeal site is a three storey group of flats which front Parish Gate Drive, with a further group to the west. Opposite the front boundary of the appeal site on the bend is a group of four

- modest sized properties of a mixed single and two storey configuration. Visually these properties mark the start of the close knit residential estate on Parish Gate Drive and Rider Close.
4. To the north are more traditional two storey semi-detached dwellings with rear facing windows set in larger plots. Their rear gardens adjoin the northern boundary of the appeal site. Levels gently fall from Bexley Road and Blackfen Road. Adjacent to the southern boundary of the site are a number of trees which provide a leafy setting. The appeal site currently provides separation between the flats to the south and the two storey dwellings to the north.
 5. Although the parties have different points of view concerning whether the land was or has been used as a garden, I observed that the site was overgrown with vegetation. Whilst the land is in an urban setting, and the appellant considers that this is a brownfield site, I have no evidence before me to support this. In any event, Annex 2 of the National Planning Policy Framework (the Framework) defines previously developed land. This definition excludes "land in built-up areas such as private residential gardens... and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time."
 6. Despite the Framework seeking to encourage the re-use of previously developed land, it does not prohibit the development of other land either. The proposal would be in a sustainable urban location and contribute towards the supply of housing locally which is in tune with a number of the core planning principles in the Framework.
 7. This appeal follows an earlier scheme which was dismissed at appeal in 2014.¹ Subsequently the appellant has amended their scheme by omitting the two bedroomed semi-detached pair of houses, a point the Council accepts. Nonetheless the Council contends that the principle of developing this site remains to be unacceptable and points to the proposal not respecting the existing pattern of development.
 8. While the layout of the site is more regular and proposal would address Parish Gate Drive, due to the siting of the dwellings they would intrude upon the separation that the appeal site provides between the flats to the south and the two storey semi-detached dwellings on Bexley Road. However the proposal would, unlike the 2014 appeal scheme, maintain a gap to each. Tree cover would supplement the gap between the flats and the appeal site. As such, the dwellings would appear separate from both built forms and they would be in tune with the layout of the development on the western corner of Parish Gate Drive and houses on the southern side of Blackfen Road.
 9. Although the form of the proposal would differ from the flats and the semi-detached dwellings on Bexley Road, I share the Council's view that various aspects of local design form part of the proposed design. I also note my colleague Inspectors findings on this matter. I do not consider the design would be harmful to the character and appearance of the area.
 10. Even though the appellant has simply removed block B from the proposal, I consider this change ensures that the proposal respects the pattern of

¹ Appeal Decision Ref: APP/E5330/A/14/2221763

development and addresses the street scene in a manner that is compatible with the character and appearance of the area.

11. For these reasons, I conclude that the proposal would comply with Policies H5, H(c) and DH1 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies and Policies 3.5, 7.4 and 7.6 of the London Plan. These policies amongst other things seek to achieve high quality housing design on backland or infill sites that maintains the character and local distinctiveness of the area.

Other Matters

12. Windows serving a first floor bathroom and bedroom in the flank elevation could be obscure glazed as the Council has suggested, even though the bedroom is served by another window in the front elevation. The plans show the north facing ground floor windows would be obscure glazed. Whilst the houses would occupy a piece of land formerly free from development, a sufficient gap would be retained to the dwellings on Bexley Road to ensure the living conditions of neighbouring occupants would be maintained.
13. I recognise dust, dirt and noise may arise during the construction of the dwellings, however the effect of would be temporary. For this reason I do not consider the proposal would cause undue harm to residents living conditions.
14. Despite concern being raised with the level of off-street car parking provided, I concur with the Council that the proposal meets the London Plan standard. Although the trees on the site would not be incorporated into the finished development, many were not mature and of low quality. The proposed layout provides opportunity for replacement planting which would mitigate any harm.

Conclusion and Conditions

15. I have had regard to the conditions suggested by the Council and the appellant's response confirming that they have no objections to them. A condition specifying the approved plans is necessary in the interests of certainty. I have also imposed conditions, requiring details of the external materials, refuse storage and schemes for hard and soft landscaping to be submitted and agreed with the Council to ensure the development preserves the character and appearance of the area.
16. I have imposed a combined version of the conditions securing energy and water efficiencies in the interests of the dwelling meeting the needs of present and future generations, with particular regard to the use of natural resources. To preserve the living conditions of the occupants in houses on Bexley Road, I have imposed a condition requiring first floor windows in the northern elevation to be obscure glazed. The approved plans condition would control the installation of obscure glazing in the ground floor windows in this elevation.
17. For the reasons set out above, I conclude that the appeal should succeed.

Andrew McGlone

INSPECTOR