



Appeal Decisions

Hearing Held on 4 April 2018

Site visit made on 4 April 2018

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2018

Appeal A Ref: APP/E5330/W/17/3184879

1 Hyde Vale, Greenwich, London SE10 8QG

- 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 Kangiten Limited against the decision of Royal Borough of Greenwich Council.
 - The application Ref 17/2178/F, dated 6 July 2017, was refused by notice dated 21 September 2017.
 - The development proposed is the demolition of existing buildings in a conservation area; erection of replacement 4 storey including basement development comprising 4x3 bedroom houses; 1x2 bedroom and 2x1 bedroom units; 4 x domestic outbuildings; cycle and landscaping provision, refuse and recycling facilities with associated works and provision of one on-street parking space.
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Appeal B Ref: APP/E5330/Y/17/3184881

1 Hyde Vale, Greenwich, London SE10 8QG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Kangiten Limited against the decision of Royal Borough of Greenwich Council.
 - The application Ref 17/2179/L, dated 6 July 2017, was refused by notice dated 21 September 2017.
 - The works proposed are the demolition of existing buildings in a conservation area; erection of replacement 4 storey including basement development comprising 4x3 bedroom houses; 1x2 bedroom and 2x1 bedroom units; 4 x domestic outbuildings; cycle and landscaping provision, refuse and recycling facilities with associated works and provision of one on-street parking space.
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Decisions

Appeal A: APP/E5330/W/17/3184879

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings in a conservation area; erection of replacement 4 storey including basement development comprising 4x3 bedroom houses; 1x2 bedroom and 2x1 bedroom units; 4 x domestic outbuildings; cycle and landscaping provision, refuse and recycling facilities with associated works and provision of one on-street parking space at 1 Hyde Vale, Greenwich, London SE10 8QG in accordance with the terms of the application, Ref 17/2178/F, dated 6 July 2017, subject to the conditions in the schedule to this decision below.

Appeal B: APP/E5330/Y/17/3184881

2. The appeal is allowed and listed building consent is granted for the demolition of existing buildings in a conservation area; erection of replacement 4 storey including basement development comprising 4x3 bedroom houses; 1x2 bedroom and 2x1 bedroom units; 4 x domestic outbuildings; cycle and landscaping provision, refuse and recycling facilities with associated works and provision of one on-street parking space at 1 Hyde Vale, Greenwich, London SE10 8QG in accordance with the terms of the application Ref 17/2179/L dated 6 July 2017 and the plans submitted with it subject to the conditions in the schedule to this decision below.

Procedural Matters

3. In the banner headings above I have used the correct spelling of the appellant's name as confirmed in an e-mail¹ to the Planning Inspectorate from the appellant's agent, as opposed to the spelling given on the application and appeal forms.
4. At the hearing, the Council supplied a plan of the West Greenwich Conservation Area showing the location of listed and locally listed buildings. As a copy was also made available to the appellant, who indicated that they had no objections to me accepting the plan, I consider that no parties would be prejudiced as a result of me taking it into account in my assessment of the planning merits of the appeals.
5. To facilitate discussion at the hearing the appellant supplied presentation material based on plans and documents previously submitted. As no novel material was introduced and copies of it were made available to the Council and interested parties, I consider that no interests would be prejudiced as a result of my acceptance of the presentation material, and in taking it into account in my assessment of the planning merits of the appeals.
6. The Council supplied a photograph of the rear yard of the appeal site which had formed part of a presentation to the Planning Committee at the time of the planning and listed building consent applications. A copy was also supplied to the appellant who indicated that they had no objections to me having regard to it in my assessment of the planning merits of the appeals. I consider that no prejudice would occur as a result.
7. Planning conditions related to the demolition of the building were discussed at the hearing the text of which had not been previously made available. The parties also agreed that a condition relating to restriction of permitted development rights required substantial re-drafting. I allowed time following the closure of the hearing for the Council and appellant to agree a form of words and for these to be submitted to the Planning Inspectorate.

Background and Main Issues

8. The appeals relate to the demolition and redevelopment of a building attached to 63 Royal Hill a Grade II Listed Building, and the site is located within the West Greenwich Conservation Area. Consequently, I consider the main issues to be firstly, in respect of both appeals whether the proposed development and works preserve 63 Royal Hill or any features of special interest that it

¹ Dated 30 January 2018

possesses and whether the proposed development would preserve or enhance the character or appearance of the West Greenwich Conservation Area; and secondly, in respect of Appeal A only, whether the proposed development would constitute an overdevelopment of the site with reference to the living conditions of the occupants of adjacent dwellings in respect of outlook.

Reasons

Appeal Site

9. The appeal property is a two-storey commercial building, faced in brick with a long elevation fronting Hyde Vale and a shorter side elevation on King George Street. At the lower level on its Hyde Vale frontage expanses of blank brick, are punctuated by an irregular pattern of structural openings; however, fenestration at the first floor is in a more regular arrangement. Whilst the building has a functional appearance, two storey pilasters add some articulation to this long elevation and echo the more refined detailing and proportions of the attached Grade II Listed Building, 63 Royal Hill. The short elevation on King George Street also has the pilaster detail with a doorway at ground floor and window at the first floor level. No 31 King George Street due to the similarity of its materials and detailing, and attachment to the appeal building, appears to have been part of No 1 at some point in the past. No 1's rear elevation, visible in public views in gaps between buildings is a marked contrast to its street facing aspects and is faced in render and incorporates more structural openings at both ground and first floors.

Special Interest and Significance

10. The West Greenwich Conservation Area is notable for its late Georgian streetscape, within which No 63, a substantial two storey dwelling faced in stucco and incorporating classical motifs such as the pilasters and cornice, is a clear landmark and statement building at the head of Hyde Vale, a mainly residential road of terraces, detached and semi-detached properties that gently curves and slopes upwards from the appeal site towards Greenwich Park.
11. Strong building lines, classical proportions, and rhythmical facades characterise this thoroughfare, as does the consistent palette of facing materials including London stock brick with some render. The significance, character and appearance of the Conservation Area derives to a considerable degree from these elements of the streetscene; and No 63's significance and special interest arises from its rich architectural style, and strong presence at a focal point of the area. In arriving at this view, I note references to the relevant Pevsner guide noting the 'exceptional completeness' of Hyde Vale's Georgian streetscape.
12. Houses on the same side of King George Street, attached to the appeal property are a strong contrast to the architectural formalism of Hyde Vale incorporating buildings of differing scales and detailing, with a more haphazard pattern of structural openings.
13. The appeal building itself, whilst incorporating the strong building line and the facing brick in a bonding pattern common in the area, is otherwise a marked contrast to the predominantly domestic architectural aesthetic of its surroundings; however, this is softened to some degree by the pilaster detailing which help it to integrate with its attached listed building.

Nevertheless, due to the appeal building's expanses of blank brick and functional appearance it differs considerably to the generally more active and polite street-facing elevations of buildings within its wider surroundings. Consequently, the appeal building neither detracts from nor complements the setting and special interest of No 63, or the character and appearance of the Conservation Area more generally, and therefore has neutral effects in these respects.

14. The appeal building was formerly listed at Grade II. However, it was removed from the national list by the Secretary of State for Culture, Media and Sport due, in part, to the extensive re-building that had occurred in the 20th Century including as a result of substantial Second World War period bomb damage resulting in the loss of a significant proportion of its original fabric. As No 1 is not listed it does not therefore, in itself, fall within the definition of a designated heritage asset given within the National Planning Policy Framework (the Framework).
15. Whilst I note the assertion that the Secretary of State took into account wider policy grounds in forming this view, I have been supplied with no detailed evidence to substantiate this, and moreover, it is clear that the Secretary of State's attention is focussed on the merits of the building in the relevant report. I also note that other listed buildings in the area may have been subject to re-building following bomb damage- however, the evidential basis of these comments and the extent to which such re-building has influenced their designations has not been supplied to me.
16. The appeal building is not formally included within the Council's local list, nor is it mentioned explicitly within the Council's West Greenwich Conservation Area Appraisal (adopted 2013) (the CAA). Consequently, whilst mindful of the evidence submitted by interested parties in relation to the appeal building's age, former uses, and its association to No 63 and the Sutton Estate, I conclude that it does not comprise a non-designated asset for the purposes of the Framework- which makes clear in its glossary that these are "assets identified by the local planning authority (including local listing)". Moreover, the Council confirmed its opinion at the hearing that the appeal building did not fall within this Framework definition. In arriving at this conclusion, I have also taken into account the court judgement² referred to me by the appellant.
17. Whilst mindful of comments relating to the comparative rarity of commercial buildings within the area, this does not alter my view in terms of the appeal building's contribution to the character and appearance of the Conservation Area, or my conclusions in respect of non-designated assets.
18. Whilst the appeal site is within the buffer zone of the Maritime Greenwich World Heritage Site (WHS), it is common ground between the Council and appellant that the proposal would have no adverse effects on the significance of the WHS. Given the physical separation between the site and the WHS, and the mooted scale and extent of the appeal scheme, I have no reason to arrive at different conclusions in this regard.

² *Holland v Secretary of State for Communities and Local Government and others* [2014] EWHC 566 (Admin)

Appeal Scheme

19. The appeal scheme would entail the demolition of No 1 to make way for a residential development as described above, similar in overall scale to its adjoining buildings. It would incorporate a regular pattern of structural openings and pilaster detailing on the majority of its front elevation. At its corner at ground floor a bin and cycle store would be installed incorporating screening on both elevations.

Loss of the existing building

20. Numerous representations advocate the adaptation and conversion of the existing building either for a commercial or residential use, and I am also mindful of the Spitalfields Trust's sketch for an alternative scheme. However, the feasibility of such alternative uses has not been established and moreover, evidence submitted by the appellant, and not contested by the Council, demonstrates not only the extent and unsuccessfulness of marketing³ of the building for commercial uses, but also the extent of structural work⁴ that could be required to facilitate its re-use.
21. At the hearing, and in the Statement of Common Ground, the principle of demolition of the appeal building was accepted by the Council. I also note that there is no general presumption against the demolition of buildings not covered by national or local designations within conservation areas set out within the Framework, or Policy DH(h) of the Royal Borough of Greenwich Core Strategy with detailed Policies (adopted July 2014) (the Core Strategy). This Core Strategy Policy only resists the demolition of buildings that make a positive contribution to the character and appearance of the Conservation Area, rather than ones with neutral effects. Nevertheless, the policy does require, where demolition is permitted that a building should remain in situ until a contract and timetable for the site's redevelopment are agreed.

Listed Building and Conservation Area

22. The proposed building would be of a similar overall scale to the structure that it would replace and would replicate its front building line. As a consequence, it would be similar in scale to No 63, and continue the building line of its Hyde Vale facing elevation. As these relationships already exist between the existing building at the appeal site and No 63, the proposed building would not read as an excessive or dominant intrusion within that Listed Building's setting.
23. Whilst the proposed development would be of a contemporary design aesthetic it would nevertheless reflect the detailing of No 63, in terms of its use of pilasters surmounted by a parapet. These aspects of the appeal scheme would help it to assimilate with the streetscape, whilst their simpler style would emphasise the more ornate architectural expression of No 63. Although the pilasters of the appeal scheme would be spaced more widely than those of No 63, they would due to the textural and stylistic differences between the buildings not appear discordant, and this subtle difference in rhythm would help to differentiate the listed and proposed buildings.

³ *Marketing Report for 1 Hyde Vale, Greenwich* Prepared by KALMARs Commercial, April 2015

⁴ *Statement Re 1 Hyde Vale, London SE10 8QG*, Prepared by Cooper Associates Consulting Structural Engineers, January 2018

24. Fenestration detailing and proportions vary in the immediate surroundings of the appeal site- indeed the building presently on the appeal site is markedly different in these respects to the more polite facades further up Hyde Vale. Moreover, the stretch of Hyde Vale to which the appeal scheme would relate is bounded in the main by the flanks of buildings with limited structural openings- whilst stronger rhythmical facades present around the bend of Hyde Vale due to the underlying topography of the street would not be particularly inter-visible with the proposed building. Consequently, whilst the pattern of openings employed in the Hyde Vale façade of the proposed building would create a strong rhythm and employ a clearly contemporary style it would not read as an excessive, discordant or intrusive feature within a generally coherent immediate streetscene.
25. Due to the variety of scales and types of building, and the haphazard pattern of structural openings present on the front elevations of the King George Street properties to which the proposed building would be attached, there is no strong architectural rhythm or sense of uniformity along that frontage. As a consequence, the appeal scheme would not be discordant within this context.
26. Whilst I have had regard to comments regarding the materials employed in the appeal scheme's facing I consider that conditions could be attached to control these elements. Moreover, the proposal to use brick in the scheme- the precise details of which could be controlled by condition- with patches of contrasting facing to emphasise the ground floor will help the proposed building to assimilate readily with its surroundings, wherein predominant brick facing is interspersed with render and other materials to add elevational interest and emphasise proportions.
27. The appeal scheme would include a screened bin and bicycle store at its corner. I saw that this corner is visible from the upper parts of King George Street, nevertheless the building presently on the site features a blank panel of brick at that point. The corner is otherwise faced by the largely blank gable ends of terraces- rather than more formal facades. Due to these factors this aspect of the proposed development would not be an incongruous element in an otherwise architecturally polite streetscene, or constitute a visually jarring element in that axial view from King George Street.
28. The proposed works due to the existing and proposed buildings' connection to No 63 could cause effects to its historic fabric. However, I consider that an appropriately worded condition attached to the listed building consent would ensure that this would be handled sensitively and avoid harmful impacts to its special interest.
29. Accordingly, mindful of the duties arising from sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), the above considerations lead me to the conclusion on this main issue that the appeal scheme would preserve the setting and special interest of No 63 and the character and appearance of the Conservation Area. For these reasons too the appeal scheme would not cause harm to the significance of those heritage assets, and as a result would not conflict with the Framework; Policies 7.4 and 7.8 of the London Plan: The Spatial Development Strategy for London- Consolidated with Alterations Since 2011 (adopted March 2016) (the London Plan); or Policies DH(h), DH(i) DH1 or DH3 of the Core Strategy; or the Conservation Area Appraisal. Taken together, and amongst other matters, the

policies and the appraisal seek to ensure that heritage assets are conserved in a manner appropriate to their significance; that proposals pay special attention to preserving the character or appearance of conservation areas; that heritage assets and their settings are protected; and that development has regard to the pattern and grain of existing spaces and streets. In arriving at these conclusions I am mindful of the court judgements referenced by the appellant⁵.

Living Conditions

30. The proposed development would increase the depth of building at its rear, including basement level accommodation, and closet wings, at ground floor level. A row of garden rooms would be introduced at the back of the site.
31. A tall boundary wall exists between the appeal site and the rear gardens of Nos 31 to 35 King George Street which are orientated in a moderately less than perpendicular relationship to No 1. This boundary wall is intended to remain as part of the proposed development at its existing height. Beyond this whereas the closest closet wing would be slightly taller than the existing wall it would be adequately separated from it, and as a consequence, would not constitute an obtrusive feature from this garden area. I saw that the windows of Nos 31 to 35 that have a view of the appeal site would be separated by a considerable distance from the nearest closet wing, which due to its limited depth and scale would, whilst visible from these windows, not unduly interrupt the quality or amount of outlook available from them.
32. The plans show that the garden rooms to the rear would be constructed to a height more or less level with that of the existing boundary wall, and I consider that a restriction on changes to the heights of this and the boundary wall between Nos 31 to 35 could be controlled by condition. Consequently, I consider that the proposed development's garden rooms would not have an overbearing or enclosing effect on the conservatory to their rear and would avoid any material reduction to the outlook available from there.
33. Taking these matters together, leads me to the conclusion on this main issue that the appeal scheme would not constitute a harmful overdevelopment of the site in these terms and would avoid harm to the living conditions of the occupants of adjacent dwellings in terms of outlook. Consequently, the proposed development would not conflict with Policies 7.6 of the London Plan; or DH(b) of the Core Strategy insofar as, taken together and amongst other things, they seek to ensure that new development does not cause an unacceptable loss of amenity to the occupiers of adjacent properties including through creating an unneighbourly sense of enclosure.

Other Matters

34. I have been supplied with a planning obligation to secure implementation of a car club and related highways works and to restrict the availability of on-street parking permits. As the obligation is executed as a deed, and is pursuant to both section 106 of the Town and Country Planning Act 1990 (as amended) and section 16 of Greater London Council (General Powers) Act 1974, I consider it to be a legally effective mechanism to secure these aims. As the development

⁵ *South Lakeland District Council v Secretary of State for the Environment and Other Respondents* [1992] 2 WLR 204; *Bedford Borough Council v Secretary of State for Communities and Local Government and Nuon Uk Ltd* [2012] EWHC 4344 (Admin)

plan⁶ supports the provision of car-free housing in areas with public transport access levels (PTAL) like that of the appeal site the obligation is clearly necessary to make the proposed development acceptable in planning terms. Moreover, as it would supply a car club for the proposed development's future occupants, it would be directly related to the development- and fairly and reasonably related in scale and kind. The obligation would therefore meet the relevant statutory and policy tests set out in the Community Infrastructure Levy Regulations (2010) (as amended)⁷; and the Framework⁸. For these reasons, I have taken the obligation into account in reaching my decision.

35. Moreover, whilst I am mindful of comments regarding the age and scope of the appellant's transport statement, I consider that the measures secured by the obligation- combined with the adequate cycle parking that would be provided- would ensure that the transport effects of the proposed development would be acceptable, and that it would not lead to a material increase in demand for on-street parking.
36. I note comments from various respondents about the density of the appeal scheme and the adequacy of the resultant amenity and other spaces achieved. However, in these regards I am cognisant that the Council considers the spaces to meet the relevant standards of the London Plan, and moreover, that the appeal site's adjacency to Greenwich Park also provides opportunities for recreation. Representations have also been made in respect of the bin storage and the distance this would be located from some of the units, however, it has not been demonstrated that this would necessarily lead to bins being left on the pavement, or that its use would result in undue inconvenience for its future occupants or disturbance to the occupiers of the adjoining dwelling. Moreover, the implementation of the waste storage arrangement can be controlled by condition. Consequently, taken together, these considerations lead me to the view that it has not been demonstrated that the proposed development would fail to meet the day-to-day needs of its occupants in these regards, or that the appeal scheme would result in overdevelopment of the site in these terms. As a consequence, these matters do not weigh against the appeal scheme.
37. Some rooms in the proposed development would be served by rooflights and lightwells. However, this is far from an unusual arrangement in terms of the type of rooms they serve, and within residential developments in urban areas more generally. Consequently, it has not been demonstrated that the proposed development would fail to meet the needs of its future occupants in these respects.
38. I note concerns about the dimensions given for the boundary walls on the plans, and the effects of the mooted works on these. However, I consider a condition restricting increases to the height of these boundaries would ensure that their current dimensions are maintained, and that legal controls outside of the Planning Acts, including the Party Wall etc. Act 1996 are more pertinent to matters in terms of their repair.
39. Interested parties made comments relating to the construction of the proposed basements. However, I consider that an appropriately worded condition related to the basement construction could address the planning aspects of

⁶ By virtue of Policy IM (c) of the Core Strategy

⁷ Regulation 122(2)

⁸ At paragraph 204

these matters. Other related issues such as wall thicknesses are issues controlled by other statutory schemes including the Building Act 1984 and Party Wall Act. Effects of noise and disturbance occurring as a result of construction on the site could be mitigated by adherence to an appropriately worded condition.

40. I have been supplied with no substantive evidence to suggest that construction of the proposed development would cause any substantial damage to adjacent pavements, and accordingly, this matter does not weigh against the proposed development.
41. I note references to the appellant's arboricultural evidence being out of date, and its alleged failure to identify trees along the boundary of the site. However, I consider that attachment of a condition relating to the landscaping of the scheme would ensure that any existing trees would be taken into account during the development process. Landscaping would also be likely to improve the biodiversity of the site as it would replace substantial areas of hard standing currently present. It has not been demonstrated that the proposed development would lead to any adverse effects in terms of drainage and rainwater flooding over and above that of the existing development at the site; and indeed landscaping details could have positive effects in these regards.
42. The proposed building would be of an overall similar scale to the existing one at the site and would have a common building line in terms of the proposed building's rear and the adjoining wall of No 63. The closest closet wing projection to No 63 would be of a limited scale and separated to an adequate degree from the common boundary of the properties. Taken together, these considerations lead me to the view that the appeal scheme would not result in an overbearing sense of enclosure to No 63, or interfere to any material degree with sunlight or daylight available to its occupants.
43. I note references to squatting at the appeal site and related vandalism to No 1; however, these matters have only a limited bearing on my assessment of the planning merits of the proposal.
44. My attention has been drawn to some minor drafting errors on the submitted plans, including the omission of a drawing of internal steps in reference to one of the proposed units. However, these minor errors do not weigh against the appeal scheme to any material degree.
45. I have been supplied with no substantive material to suggest that the proposed development would cause any adverse effects to archaeological interests, and note that the Council consider that the site is not in an identified area of archaeological potential. Consequently, this matter does not weigh against the proposed development in the overall planning balance.
46. Accordingly, these matters, either taken individually or together, do not alter my conclusions on the main issues given above, or indicate that approval of the scheme should not be forthcoming.

Conditions

47. Paragraph 206 of the Framework sets out that conditions should only be imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions on this basis, and where I have

imposed them I have, where necessary, made amendments to their wording in the interests of clarity.

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48. In the interests of certainty, I have attached a condition which specifies the approved plans.
49. Due to the appeal site's Conservation Area location, and proximity to No 63, a condition requiring submission of materials details to the Council for its approval prior to the proposed development's construction is justified in this instance. Aspects of the condition, by necessity, take effect prior to the commencement of development to ensure that it would be implemented in line with the submitted details. For these reasons also, and to avoid incremental erosion of the building's overall design and relationship to its surroundings, it is necessary, in these exceptional circumstances to restrict permitted development rights relating to residential extensions and alterations arising from the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
50. In the interests of the living conditions of the appeal scheme's future occupants, and the character and appearance of the proposed development more generally, I have attached a condition requiring the submission of hard and soft landscaping details to the Council for its approval prior to commencement of development. I have amended the wording of the Council's suggested condition also to refer to any trees and shrubs currently present at the site that the landscaping scheme would retain. Elements of this condition necessarily take effect prior to commencement to ensure that development progresses in line with the approved details.
51. Given the overlap of a number of requirements on the suggested conditions relating to a full basement assessment and demolition and construction management plan, I have amalgamated these. The attached condition requires submission of a Demolition and Basement Construction Method Statement to the Council for its approval. This condition of necessity requires pre-commencement compliance to ensure that development is carried out in line with the approved details in the interests of the amenity of the occupants of adjacent properties, the environmental quality of the area, and the highway safety of the appeal site's surroundings.
52. I have also attached the Council's suggested condition in relation to the hours of construction and demolition operations; however, I consider there to be no exceptional circumstances in this instance which would justify additional restrictions of working on Saturday mornings. As I have attached this hours condition there is no necessity to refer to these hours also in the Demolition and Basement Construction Method Statement condition. The condition is necessary in the interests of the living conditions of the occupants of adjacent properties.
53. Compliance with the optional building regulations standards in relation to access, energy and water efficiency is required by the policies of the Core Strategy and the London Plan. Consequently, it is necessary, and relevant to planning, to attach conditions requiring the proposed development to meet the anticipated levels of efficiency and accessibility in these regards. I have,

- however, amalgamated several suggested conditions related to the reduction in CO₂ emissions into one condition.
54. In the interests of water efficiency and sustainable drainage, I have attached a condition relating to rain water recycling.
 55. In the interests of the amenity of the occupiers of adjacent dwellings and the proposed development's future occupants, I have attached a condition requiring implementation of the waste and refuse measures prior to the first occupation of the appeal scheme. Whilst I note that a layout plan for the waste storage area has been submitted, the Council's Street Services team responded, at appeal stage, that due to two separate layouts being submitted that it was unable to indicate that the arrangements would be acceptable. Consequently, I consider it necessary for the appropriate details to be submitted to the Council for its approval, prior to their implementation.
 56. In the interests of the living conditions of the occupants of the adjacent properties I have attached a condition restricting the use of flat-roofed elements of the proposed development as balconies and terraces. For similar reasons, I have attached a condition, as discussed and agreed to at the hearing, which restricts any alteration to the height of the appeal site's boundary walls.
 57. To ensure that the proposed development makes appropriate arrangements in terms of cycle parking, I have attached a condition requiring cycle parking spaces to be provided prior to first occupation of the dwellings.
 58. In the interests of the air quality of the area, and the amenities of future and existing occupants of the site and its surroundings, I have attached a condition requiring approval by the Council of submitted details of domestic boilers in terms of their emissions, prior to their installation.
 59. Given the previous commercial uses of the site, I consider it reasonable to attach a condition requiring a risk assessment in relation to contaminated land matters. This condition necessarily takes effect prior to commencement to ensure that any risks to the health and safety of site operatives, the occupants of adjacent premises, and the environmental quality of the area would be appropriately mitigated.
 60. In order to comply with the requirements of the development plan, and to restrict demolition of the building in the absence of a secured after-use of the site- I have attached a condition that restricts demolition until a contract for redevelopment of the site has been entered into. However, to ensure that other details and activities required by other conditions can be discharged, I have also attached a condition allowing more limited works of demolition in connection with those activities. Elements of these conditions necessarily take effect prior to commencement to ensure that demolition works comply with the requirements of the local plan and in the interests of the character and appearance of the Conservation Area, and special interest of 63 Royal Hill.

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61. Whilst I have attached the standard implementation condition in relation to this application, as the compliance with the relevant plans is set out in the formal decision above, it is unnecessary to attach a separate condition setting these out. As the demolition and construction matters pursuant to the proposal are

more relevant to the planning appeal, and conditions are attached in respect of these matters to the planning permission, it is not necessary to attach the Council's suggested condition seeking to restrict working hours on the listed building consent.

62. In the interests of the special interest of No 63, however, I have attached a condition requiring submission to, and approval by the Council of details regarding protection of that attached listed building's fabric during the proposed works. This condition necessarily takes effect prior to commencement of the works to ensure that appropriate arrangements are made in these regards, and that work progresses in line with the approved details.

Conclusions

63. The appeal scheme would not conflict with the development plan, insofar as the above-referenced policies are concerned, and would meet the expectations of the Act. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeals should succeed.

G J Fort

INSPECTOR

Appearances

FOR THE APPELLANT

Jacquie Andrews
Martin Cooper
Dr Jonathan Edis
John Smart

Howard Sharp & Partners
Martin Cooper Associates
Heritage Collective
John Smart Architects

FOR THE LOCAL PLANNING AUTHORITY

Lesley Agyekumaa-Sasu
Tarana Choudhury
Cllr Mehboob Khan

Planning Officer
Conservation Officer
Vice Chair Greenwich Area Planning
Committee
Area Planning Manager

Neil Willey

INTERESTED PERSONS

Philip Binns
Richard Butt
Christopher Hales
Dr Paul Trynka
Caroline Welch

Greenwich Conservation Group
Greenwich Society
Local Resident
Local Resident
Local Resident

DOCUMENTS submitted at the Hearing

1. Plan of West Greenwich Conservation Area
2. Appellant's presentation material
3. Photograph of the rear of the appeal site

DOCUMENT submitted, by agreement, after the Hearing

1. Text of conditions related to permitted development rights and demolition

Schedule of Conditions: APP/E5330/W/17/3184879

- 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:
 - 084-001 Revision B: Existing Location Plan;
 - 084-020 Revision D: Proposed Location Plan;
 - 084-029 Revision E: Area Schedule;
 - 084-030 Revision E: Proposed Lower Ground Floor;
 - 084-031 Revision G: Proposed Ground Floor;
 - 084-032 Revision H: Proposed First Floor;
 - 084-033 Revision H: Proposed Second Floor;
 - 084-034 Revision E: Proposed Roof Plan;
 - 084-035 Revision G: Proposed Landscape Plan;
 - 084-040 Revision C: Proposed South West Elevation;
 - 084-041 Revision E: Proposed North East Elevation;
 - 084-042 Revision C: Proposed South East Elevation;
 - 084-046 Revision D: Proposed South West Elevation- Rear;
 - 081-048 Revision C: Proposed Garden Room Elevation;
 - 084-051 Revision D: Proposed Section A-A;
 - 084-052 Revision A: Proposed Section B-B;
 - 084-053 Revision C: Proposed Site Section;
 - 084-070 Revision D: Proposed Cycle Store;
 - 084-072 Revision D: Proposed Refuse/;
 - 084-090 Revision B: Rear Overlook Study;
 - 084-092 Revision C: North Overlook Study;
 - 084-093: South Overlook Study;
 - 084-094: North East Overlook Study;
 - 084-100 Revision B: Proposed Demolition Plan;
 - 084-P 900 Revision B: Visualisation;
 - 084-P 901 Revision A: Visualisation;
 - 084-P902 Revision A: Rear Visualisation;
 - 084-P903 Revision A: Visualisation.
- 3) No development shall take place until samples of all facing materials windows, railings/balustrades and boundary treatments have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

- 4) Notwithstanding condition (2) no development shall take place until details of hard and soft landscaping (including any shrubs or trees to be retained or replaced) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and completed prior to the first occupation of the development hereby approved.
- 5) Demolition or construction works (including earth removal, piling work and any mechanical building operations) shall take place only between 0800 to 1800 on Mondays to Fridays, 0800 to 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) No development shall take place, including any works of demolition, until a Demolition and Basement Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) appointment of a suitably qualified professional (civil or structural engineer);
 - ii) a ground and hydrological condition report dealing with groundwater flow ensuring structural stability during demolition;
 - iii) temporary propping/temporary works and construction work minimising disturbance;
 - iv) drilling of boreholes;
 - v) sequence of temporary works to minimise the effect on neighbours and management of water flow;
 - vi) details and justification for the piling methodology to be adopted;
 - vii) proposals for monitoring vibration and procedures to be put in place to minimise such disturbance, including in relation to any piling on the site (it is expected that vibration over 1mm/s measured as a peak particle velocity would constitute unreasonable vibration);
 - viii) likely noise levels to be generated from plant;
 - ix) details of any noise screening measures, including to those related to piling on the site;
 - x) proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded, including those related to piling on the site;
 - xi) likely dust and dirt levels and details of measures to control and monitor the emission of dust and dirt during construction including those related to piling operations;
 - xii) proposals for controlling unacceptable release of materials such as asbestos;
 - xiii) the parking of vehicles of site operatives and visitors;
 - xiv) loading and unloading of plant and materials;
 - xv) storage of plant and materials used in constructing the development;
 - xvi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - xvii) haulage routes;

- xviii) wheel washing facilities and facilities for discharging the water;
- xix) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Construction works onsite shall be carried out in accordance with the approved Demolition and Basement Construction Method Statement.

- 7) No development above ground level shall commence until there shall have been submitted to and approved in writing by the local planning authority an Energy Statement demonstrating how the dwellings hereby permitted will apply the Mayor's energy hierarchy to secure a 35% reduction in CO₂ emissions over and above Part L of the Building Regulations 2010 (as amended). Development shall be carried out in accordance with the approved Energy Statement and the dwellings hereby permitted shall not be occupied until details of their compliance with the approved Energy Statement have been submitted to and approved in writing by the local planning authority.
- 8) The dwellings hereby permitted shall not be occupied until the requirements of Regulation 36 (2) (b) of Part G 2 of the Building Regulations 2010 (as amended) in terms of water efficiency have been complied with.
- 9) Notwithstanding condition No (2) no development above ground level shall take place until details of the rainwater recycling system demonstrating the maximum level of recycled water that can feasibly be provided have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, completed prior to the occupation of the development, and retained thereafter.
- 10) Notwithstanding condition No (2) no development shall take place until details of the storage facilities for refuse and recycling receptacles and arrangements for their collections have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, completed prior to the occupation of the development, and retained thereafter.
- 11) No enlargement, or other alterations to the development permissible under Class A, Class C, Class D, Class E, Class F, Class G and Class H of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification) may be carried out without the prior approval of the Local Planning Authority.
- 12) The flat roof areas of the single-storey elements at the rear of the development hereby permitted shall not be used as balconies, roof gardens or similar amenity areas.
- 13) No development above ground level shall commence until there shall have been submitted to and approved in writing by the local planning authority drawings illustrating how the development hereby permitted complies with M4(2) of the Building Regulations (2010) (as amended) relating to accessible and adaptable dwellings. Development shall be carried out in accordance with the approved details prior to first occupation of the dwellings hereby approved.

- 14) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No. 084-070 Revision D: Proposed Cycle Store for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 15) No dwelling shall be occupied until the details of the rated emissions of NO_x (Oxides of Nitrogen) not exceeding 'air quality neutral' from its proposed boilers have been submitted to the local planning authority for its approval in writing. Installation of boilers shall be carried out in accordance with the approved details.
- 16) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 30 days of the report being completed and approved in writing by the local planning authority.
- 17) Full demolition of the existing building shall not take place until a contract for the redevelopment of the site has been signed and a timescale for the implementation of the development has been submitted to and approved in writing by the Local Planning Authority.
- 18) Notwithstanding condition No (17) any demolition works required to enable the discharge of condition 6 (Demolition and Basement Construction Method Statement) and condition 16 (Land Contamination) of this consent shall be submitted to and agreed in writing by the Local Planning Authority before any demolition works commence and the development then implemented in accordance with the approved details. The submission shall include a justification for the demolition proposed and the measures to be implemented to ensure that the agreed demolition works do not have an adverse impact on the character and appearance of the West Greenwich Conservation Area or a detrimental impact on the adjacent Grade II Listed Building (63 Royal Hill).
- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the height of the site's boundary walls shall not be increased without express consent of the local planning authority.

Schedule of Conditions: APP/E5330/Y/17/3184881

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) No works shall take place until details of the precautions to secure and protect the interior and exterior fabric and features of the Grade II Listed Building (63 Royal Hill) during the building work have been submitted to and approved in writing by the local planning authority. The works shall be progressed in accordance with the approved details.