



Appeal Decision

Site visit made on 18 November 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2019

Appeal Ref: APP/E5330/W/19/3233815 62 Thames Street, Greenwich SE10 9BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mark Williams-Ellis of Buzzgrade Ltd against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/0469/MA, dated 8 February 2019, was refused by notice dated 17 June 2019.
 - The application sought planning permission for demolition of existing building and construction of a 6-storey block over basement providing A3 (Restaurant)/A4 (Pub/Bar) and 9 flats without complying with a condition attached to planning permission Ref 14/1636/F, dated 18 July 2016.
 - The condition in dispute is No 25 which states that: Notwithstanding condition 1, prior to the implementation of the development revised plans shall be submitted to and approved by the Local Planning Authority showing the retention of the existing arches and their surrounds.
 - The reason given for the condition is: In order that the external appearance of the commercial units is acceptable and does not have a detrimental impact on the character and appearance of the building and the area in general (including the West Greenwich Conservation Area) and ensure compliance with Policies 7.4, 7.6 and 7.8 of the London Plan(2011), Policies DH1, DH3, and DH(h) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (Adopted July 2014) and the West Greenwich Conservation Area Appraisal.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form refers to the proposal seeking to remove a condition from planning permission 18/2071/CE. Having sought comments from the main parties, they have confirmed that, as the supporting information and decision notice indicate, the application related to planning permission 14/1636/F. It was assessed on this basis by the Council and I have determined the appeal in the same way.

Background and Main Issue

3. Planning permission was granted for the demolition of a building and construction of a new commercial and residential building. The appeal seeks the removal of a condition that required the submission and approval of plans

showing the retention of the arches and their surrounds at the site. The reason given for the condition was in relation to the character and appearance of the area, including on the West Greenwich Conservation Area

4. The evidence before me indicates that 14/1636/F had commenced prior to the submission of the application subject to this appeal. The main parties have not suggested otherwise. At my site visit I saw that the majority of the building had been demolished. As the condition required the submission and approval of details prior to the implementation of the development, a breach of the condition has already occurred. I have therefore determined the appeal on that basis and dealt with it under Section 73A of the Town and Country Planning Act 1990.
5. The main issue of the appeal is whether the condition is necessary and reasonable, having regard to the effect that varying it would have on the character and appearance of the area, with particular regard to the CA.

Reasons

6. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
7. From my observations on site, and the West Greenwich Conservation Area Appraisal (appraisal), I consider that the significance of the CA lies, in part, in its origins as a Thames-side fishing village and historic maritime and waterside links. There is a diversity to the townscape and architecture within the CA. The topography of parts of the CA and gaps between buildings allow views over the Thames towards central London.
8. The appeal site is located in a part of the CA dominated by blocks of flats that the appraisal describes as being of no special interest. The flats have a relatively consistent form and scale. By contrast, the arches are a distinctive and unusual feature for this part of the CA. The now largely demolished building at the appeal site was not statutorily or locally listed. Nonetheless, the style and appearance of the arches provide a pleasant point of variation in the streetscene. I find that they positively contribute to the significance of the CA.
9. The evidence before me suggests that the original building structure experienced bomb damage and that the arches may be post-war additions. Nonetheless, they add a degree of diversity to what is an otherwise often repetitive streetscene in this part of the CA and provide a link to the historic built form at the site. Their removal would detract from the diversity of the architecture in the CA.
10. The details before me suggest that the arches are structurally inadequate to support the proposed 6 storey building. Nevertheless, it is indicated that there are cantilevering options of constructing the proposed building while maintaining the arches. These and temporary works to maintain the integrity of the arches during construction of the new building are said to be logistically difficult and expensive. However, there is no substantive evidence before me as to what the costs would be, or what these construction methods would involve, and their feasibility. Similarly, there is no clear information regarding the extent of any reconstruction works required to the arches themselves from the potential effects of works such as underpinning or to remedy water ingress.

11. For the purposes of the National Planning Policy Framework (Framework), the CA is a designated heritage asset. Within the overall context, it is considered that the proposal would lead to less than substantial harm to the significance of the Conservation Area. The Framework indicates that such harm is to be weighed against the public benefits of a proposal, including securing the optimum viable use of the building. However great weight should be given to an asset's conservation.
12. No clear public benefits have been put forward. However, the proposal would provide additional housing and commercial premises for the area. This weighs in favour of the scheme. Notwithstanding this, in this instance, and on the basis of the information before me, the public benefits do not outweigh the identified material harm to the designated heritage asset. The appeal scheme is therefore contrary to the historic environmental policies contained within the Framework.
13. Consequently, the development would fail to preserve or enhance the character or appearance of the CA. Accordingly, the disputed condition continues to serve a useful purpose and remains necessary. The proposal would be contrary to Policies 7.4, 7.6 and 7.8 of the London Plan, Policies DH1, DH3 and DH(h) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies and the appraisal. These, in part, aim to ensure development positively contributes to the built environment, protecting and enhancing heritage assets.

Other Matters

14. I appreciate that the application was recommended for approval by officers. Nonetheless, Members came to a different conclusion, as have I.

Conclusion

15. Therefore, for the reason above, and having taken into consideration all other matters, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR