The Planning Inspectorate

Appeal Decision

Site visit made on 29 November 2019

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 05 December 2019

Appeal Ref: APP/E5330/W/19/3235188
9 St Alfege Passage, London SE10 9JS

- 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 Dermot Agnew against the decision of Royal Borough of Greenwich Council.
- The application Ref.19/0259/F, dated 15 February 2019, was refused by notice dated 12 April 2019.
- The development proposed is the replacement of a first floor window with French doors and the installation of a first floor balcony and external staircase.

Decision

1. The appeal is dismissed.

Main Issue

2. The terrace within which No.9 lies (Nos.6-11 inclusive) dates from the mid 19th Century and is a Grade II listed building. It lies within the West Greenwich Conservation Area and the Maritime Greenwich World Heritage Site (WHS).

3. The first main issue is, therefore, the effect of the proposal on the special architectural and historic interest of the listed building and, linked to that, whether it would preserve or enhance the character or appearance of the conservation area. Furthermore, the impact on the WHS needs to be considered.

4. Given the nature of the proposal, the second main issue is the impact of the proposal on the living conditions of neighbouring occupiers through any overlooking and resulting loss of privacy.

Reasons

Issue 1

5. The proposal would entail the loss of a sash window at first floor level, and the brickwork below it. From what I saw, this window is not original but nevertheless, its removal, along with the brickwork below it, would involve the harmful loss of historic fabric.

6. The structure of the balcony and the staircase would be formed in steel and the balcony would be surfaced with timber decking. There would be a balustrade around the balcony, and along both sides of the stairs. In my view all this would form a substantial addition to the rear of No.9 and its appearance would be harsh and utilitarian and therefore incongruous.

7. Taking those points together, the proposal would be harmful to the special architectural and historic interest of the listed building. As a listed building, the terrace is an important constituent of the conservation area, and the WHS. It follows that harm caused to the special interest of the terrace would also fail to preserve or enhance the character or appearance of the conservation area, and undermine the WHS.

8. Bearing in mind the workings of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a strong presumption against any grant of planning permission in these circumstances. This is reflected in paragraph 193 of the National Planning Policy Framework (the Framework) which says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

9. The harm that would be caused to the significance of the designated heritage assets affected in this case would be less than substantial. Paragraph 196 of the Framework sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10. The proposal, it is said, would improve access to the garden for the occupier and make the dwelling more suitable for modern living. In my view, that is not sufficient to outweigh the harm that would be caused to the significance of the designated heritage assets affected. I reach that conclusion because there is no good reason that I can see why improved access to the garden requires a substantial balcony structure. Moreover, the occupier would still have to use the new staircase to access the garden and I fail to see how that represents an improvement over the existing, internal stairs.

11. A number of other points have been raised on behalf of the appellant in support of the proposal. First of all, I agree that the conservatories added to the rear elevations of other dwellings in the terrace are unfortunate, in their use of materials especially. However, harmful additions already in place offer no justification for more of the same. It is also suggested that it is the front elevation of the terrace that is where the primary interest of the terrace lies. That may well be true but an addition that does not affect the front elevation can still cause harm to the special interest of the listed building.

12. Taking all those points together, the proposal falls foul of the Framework and also Policies DH3, DH(i), and DH(h) of the Royal Greenwich Local Plan Core Strategy with Detailed Policies (LP) that seek to protect heritage assets in general, and listed buildings and conservation areas in particular.

Issue 2

13. From what I saw, the presence of rear facing windows at upper levels and relatively insubstantial boundary treatments mean that the rear gardens of Nos.8, 9 and 10 are not particularly private. That said, the balcony proposed would lead to significant overlooking of the adjoining gardens which would reduce the privacy enjoyed by neighbouring occupiers still further. That would be detrimental to their living conditions contrary to LP Policy DH(b) that seeks to protect residents' amenity.

Conclusion

14. For all those reasons, I conclude that the appeal should be dismissed.

Paul Griffiths

INSPECTOR