
Appeal Decision

Site visit made on 16 June 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2020

Appeal Ref: APP/E5330/W/19/3241713

Lord Admiral's View, 61 Frances Street, London SE18 5AD

- 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 Dockyard Developments Limited against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/1018/F, dated 26 March 2019, was refused by notice dated 24 May 2019.
 - The development proposed is erection of a part three-storey and part four-storey extension to the existing building comprising 7 x 2-bed, and 2 x 1-bed residential apartments, along with associated improved landscaping works, installation of new cladding to the existing building, replacement of existing windows, and improvements to the communal entrance.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a part three-storey and part four-storey extension to the existing building comprising 7 x 2-bed, and 2 x 1-bed residential apartments, along with associated improved landscaping works, installation of new cladding to the existing building, replacement of existing windows, and improvements to the communal entrance at Lord Admiral's View, 61 Frances Street, London SE18 5AD in accordance with the terms of the application, Ref 19/1018/F, dated 26 March 2019 and subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on
 - (a) the character and appearance of the street scene,
 - (b) the setting of listed buildings near to the site, and
 - (c) the living conditions of occupiers at 7-12 Mulgrave House in respect to outlook and sense of enclosure.

Reasons

Character and appearance

3. The appeal relates to a part 4 part 5 storey building of 11 flats to the western side of Frances Street, on the southern side of its junction with Rideout Street. A communal pedestrian entrance lobby for the flats and an undercroft parking area enclosed by high metal railings are both accessed from Rideout Street. Land levels fall gently at the rear of the site towards Diary Lane.

4. The surrounding area is predominantly residential in character but mixed in form. On the western side of Frances Street are linear housing blocks erected mid twentieth century with open space around the buildings. Milne House to the south-east is seven storeys in height with eighth storey elements where it fronts Dairy Lane and six storeys with seventh storey elements where it fronts Frances Street. Biddulph House, to the north-west on the opposite side of Rideout Street is a five storey flatted development that forms two components with a six storey central stair core. To the rear of the site fronting Daisy Lane is Mulgrave House, a linear block four storeys in height. On the eastern side of Frances Street are 2-3 storey terraced houses to both sides of Red Barracks Road. Farther to the north-west are 3 residential blocks rising to 13/14 storeys and set in open grounds providing separation between the blocks.
5. The proposed vertical extension of the appeal building would result in a total of eight storeys, including the undercroft car parking area. The whole building would be clad in dark grey non-combustible panels alongside light coloured rendered walls. These materials and their use in framing balconies to each floor would result in a striking appearance to the building that would contrast with the smooth lines to the red brick linear blocks to the western side of Frances Street and with the yellow brick lower buildings on its eastern side. The Council does not object to the building's bold and distinctive design. It has previously granted planning permission for the installation of new cladding to the building, the replacement of existing windows and improvements to the communal entrance (ref. 18/0772F). The current proposal incorporates these changes and applies the new materials to the enlargements to the building. I have no reason to disagree with the Council's assessment of these design details. The Council's concerns relate to the resultant height and massing in the context of the building's siting.
6. The existing building already contrasts with neighbouring buildings in several respects. Whilst it is similar in height to the linear blocks to the western side of Frances Street, it differs from these in that it has a squarer shape, is located within a compact site with little open space and is sited in a relatively forward position on a corner plot adding to its overall visibility. The building's yellow bricks resemble those on the low dwellings to the eastern side of Frances Street, but these dwellings form part of an extensive estate, different in character to the higher buildings on the western side of Frances Street. The additional storeys would strengthen the building's vertical emphasis which would contrast with the horizontal emphasis to the surrounding linear blocks. The enlarged building would appear a little higher and forward of the linear blocks in long views along Frances Street, but not of greater mass due to its limited footprint. The building's present function as a focal point along Frances Street at the crossroads with Rideout Street and Red Barracks Road would be strengthened by the additional height and enhanced design.
7. The site is outside of the appropriate locations for tall buildings, such as Woolwich Town Centre, identified in Policy DH2 of the Royal Greenwich Core Strategy with Detailed Policies (2014) (GCS). The supporting text to the policy defines tall buildings as *"any building, including all types of structures such as masts, pylons, chimneys etc, which is noticeably taller than its surroundings, has a significant impact on the skyline or is larger than the threshold size set for the referral of planning application to the Mayor"*. Policy 7.7 of the London Plan (2016) relates to the location and design of tall and large buildings in London; it defines these as *"those that are substantially taller than their*

surroundings, cause a significant change to the skyline or are larger than the threshold sizes set for the referral of planning applications to the Mayor”.

8. The threshold for referral of planning applications to the Mayor in relation to high buildings is generally 30m. According to the Council’s estimations, the building would increase in height from 15.3m to 24.4m, and so would be comfortably below this threshold. There is already some variation in the absolute height to the buildings fronting the western side of Frances Street and how they are perceived due to design details at roof level and to the changes in land levels around the buildings. The proposal would result in the building being a little higher than neighbouring linear blocks. However, the additional height would not result in the building being “*noticeably taller*” than its surroundings in respect of Policy DH2 or “*substantially taller*” in relation to Policy 7.7. The proposal would not result in a “*significant impact*” or “*significant change*” to the local skyline in terms of the changes in height and massing. The greatest change in appearance would arise from the new materials, and these design changes are considered acceptable. I am satisfied that the proposal would not constitute a tall building, that the location of the enlarged building outside of Woolwich Town Centre would be acceptable and that there would not be conflict with Policies DH2 or 7.7.
9. The appellant prepared a Townscape and Visual Impact Assessment (TVIA)¹ for the appeal. This considers the existing building to be “*of nondescript architectural quality with a poor quality entrance and low quality boundary treatments*” and that “*It does not currently provide a positive frontage to the adjoining streets*”. The TVIA finds that the new building would appear more prominently in views but would have an improved design and construction quality, provide an improved street frontage in views marking the junction of Frances Street and Rideout Street, and in more distant views “*would appear as a small feature amongst the existing buildings and would be experienced in context with the varied scale and character of surrounding built form*”. I concur with these findings. The proposal would not result in an incongruous form of development inappropriate to the general street scene and character of the area. It would be in accordance with Policies DH1 and H5 of the GCS which requires all housing developments to achieve a high quality design and provide a positive relationship with the existing urban context. Neither would there be conflict with Policies 7.1, 7.4, 7.5 or 7.6 of the London Plan which collectively require the architecture of development to respect local character and the public realm.

Listed buildings

10. To the south-east of the appeal site on the opposite side of Frances Street is a Grade II listed building, Cambridge Barracks entrance arch. This comprises a central block with arch, equivalent to 3 storeys in height, with single storey side wings, sited close to Frances Street. To the north of the appeal site, also on the opposite side of Frances Street, are the Gate Lodge to Red Barracks and associated forecourt railings and gates. These structures also have Grade II listed building status. They provide a low level presence at the back edge to the footway for a considerable length to Frances Street. The appeal site is located diagonally opposite both listed buildings and the proposed changes would be perceived within their settings.

¹ Townscape and Visual Amenities Appeal Statement by Turley (November 2019)

11. Paragraph 66 to the Planning (Listed Buildings and Conservation Areas) Act 1990, places a duty in determining applications for development affecting the setting of listed buildings to pay special regard or attention to the desirability of preserving the building or its setting. The National Planning Policy Framework (the Framework) requires at Paragraph 189 identification of the significance of heritage assets, including any contribution made by their setting, to enable the potential impact of the proposal on their significance to be understood and assessed.
12. The entrance buildings to Cambridge Barracks, and the gates, gatehouse and railings to the Red Barracks, are now the only surviving remnants of two substantial military complexes that occupied land to the east; this has since been developed for housing to either side of Red Barracks Road. The significance of the listed buildings lies in their special architectural and historic interest as high-quality remnants of the former barracks which defined and controlled the interface between the civilian and military areas. It is best appreciated in direct frontal views from Frances Street and thereafter in views from remaining open space to the rear of the buildings. The housing off Red Barracks Road can be glimpsed in views beyond the listed structures whilst from the rear the buildings are seen against the higher backdrops of Milne House and Biddulph House.
13. The listed buildings have some group value as surviving features of two military establishments with shared associations and the appeal building is located on the apex of lines linking the two sites. Nonetheless, as there is not any historic, functional or aesthetic connection between the site and the listed buildings, the appeal site currently makes no contribution to their particular significance as an element of their setting. The building is not readily perceived in direct association with either of the listed buildings so as to significantly impact on their setting. It forms part of the long established line of higher residential blocks marking the civilian side to the interface with the former military establishments. The proposed increase in its height would mark a minor change in the undulation of residential blocks facing the listed buildings in views along Frances Street but would be a peripheral change in the immediate context of both listed buildings.
14. The proposal would not be dominating or overbearing to the setting of the adjacent listed buildings. There would not be conflict with Policies DH3 and DH(i) of the GCS or with Policy 7.8 of the London Plan which require development affecting heritage assets, including listed buildings, and their settings to conserve their significance. The proposal would thereby be in accordance with the statutory duty as the significance of both listed buildings would be preserved.

Living conditions

15. The appeal building is aligned with Rideout Street and set at an angle to neighbouring blocks. Its windows therefore are orientated more to the gaps between buildings rather than to the buildings themselves. Mulgrave House is a linear block fronting Daisy Lane to the south-west of the site. There is disagreement between the parties on the minimum distance between the appeal building and Mulgrave House, 17m according to the Council whereas the appellants measure this to be 19m. The north-eastern side of Mulgrave House, facing towards the site, accommodates mainly non-habitable rooms, kitchens,

WCs, bathrooms and the access deck plus a small third bedroom to units 4, 8 and 12. Given the nature of these windows, even at distance of 17m, the increase in height and massing resulting from the proposal would not be likely to significantly impact on outlook for the occupiers of flats at Mulgrave House. The distance to the third bedrooms to the end units would be nearer to 26m. Given the separation, any loss of outlook would not be so significant to warrant refusal of the proposal on this ground.

16. Mulgrave House is located on lower ground than the appeal site by about a storey thereby accentuating the impact of existing building on its occupiers. The proposal would increase the height of the building but not its length or width. There is already a more distant sense of enclosure through the framing provided by the linear blocks to Biddulph House and Milne House. There would be some increase in the sense of enclosure from points along the north-eastern side to Mulgrave House but given the separation distances and the limited footprint to the appeal building, this would not be excessive. It would not significantly impact on living conditions.
17. The proposal would not result in a harmful overbearing impact for the occupiers of Mulgrave House. Nor would there be a significant loss of outlook or increase in the sense of enclosure. The proposal would thereby be in accordance with Policies DH(b) and H5 of the GCS which require the design of new housing to not cause an unacceptable loss of amenities for adjacent occupiers.

Housing need

18. The proposal would result in the benefit of 9 good quality additional homes in a sustainable location. This would make a modest contribution towards the Government's objective to significantly boost the supply of homes set out at Paragraph 59 of the Framework. The Housing Delivery Test results for 2019 published earlier this year show that Greenwich has achieved only 90% of its target for completions over the previous three years. The proposal would make a small contribution towards addressing this shortfall. Meeting housing need is a material consideration that weighs in favour of the proposal.

Conclusion

19. The effect of the proposal on the character and appearance of the street scene and on the setting of listed buildings near to the site would be acceptable and there would not be a significant adverse effect on the living conditions of occupiers at 7-12 Mulgrave House in respect to outlook and sense of enclosure. For the reasons given and having regard to all other matters raised, the appeal is therefore allowed subject to planning conditions.
20. I have considered the conditions suggested by the Council in the event of the appeal being allowed and have made changes to these in the light of guidance on conditions in Planning Practice Guidance. In addition to the statutory condition on the time period for commencement of development, I have included conditions listing the plan numbers for the avoidance of doubt (and to enable the approval of minor material amendments should this be expedient). A pre-commencement condition is necessary in relation to approval of a construction method statement, to safeguard the living conditions of nearby residents and limit adverse impacts on the local highway network. However, as not all elements specified in the Council's standard condition are applicable or necessary in the context of the appeal site I have amended the condition.

21. Conditions are necessary to approve materials to be used on the extension and external refurbishment, and to approve hard and soft landscape measures including fencing to ensure a satisfactory appearance to the development. Provision and retention of the cycle storage facilities and refuse storage arrangements need to be secured by condition to ensure the proper operation of the site. A condition to control the use of the roof to the building would help to safeguard privacy for nearby occupiers. I have included the Council's suggested conditions relating to boilers in relation to planning policies on air quality but have excluded the suggested conditions relating to water use and adaptable dwellings as these issues are largely covered by the Building Regulations.

Rory MacLeod

INSPECTOR

Schedule of 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: 51709- PL3_01, 51709- PL3_03, 51709- PL3_10, 51709- PL3_11, 51709- PL3_12, 51709- PL3_13, 51709- PL3_20, 51709- PL3_21, 51709- PL3_22, 51709- PL3_23, 51709- PL3_24, 51709- PL3_25, 51709- PL3_30, 51709- PL3_40, 51709- PL3_50, 51709- PL3_51, 51709- PL3_52, 51709- PL3_53, 51709- PL3_60, 51709- PL3_61, 51709- PL3_62, 51709- PL3_63, 51709- PL3_70, Daylight and Sunlight Study (Neighbouring Properties), Design and Access Statement, Heritage Statement, Planning Statement and Transport Technical Note.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding and visibility zones of construction traffic routing;
 - v) means to prevent deposition of mud on the highway;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) likely noise levels to be generated from plant and construction works and means to monitor and control dust, noise and vibrations;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - ix) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall commence above ground level until a schedule and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved schedule and samples.
- 5) No development shall commence above ground level until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of boundary treatments including gates, walls and fences and new planting. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 51709- PL3_03 for 40 bicycles to be parked and those spaces shall thereafter be kept available for the parking of bicycles.
- 7) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 51709- PL3_20 for refuse storage and recycling facilities and that space shall thereafter be kept available for its designated purpose.
- 8) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
- 9) Prior to occupation of the development hereby approved, details of the boilers hereby approved shall be submitted to and approved in writing by the local planning authority. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%). The boilers shall be installed and retained for the lifetime of the development in accordance to the approved details unless the prior written approval of the local planning authority is given.