



Appeal Decisions

Hearing Held on 11 August 2020

Site visit made on 19 August 2020

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/E5330/W/18/3219139

Development Site at Rush Grove House, Rush Grove Street, WOOLWICH, SE18 5DD

- 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 G Halkyard against the decision of London Borough of Greenwich.
 - The application Ref 17/3955/F, dated 11 December 2017, was refused by notice dated 20 July 2018.
 - The development proposed is to erect a two storey, with basement, four bedroom detached house with new vehicular access.
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Appeal Ref: APP/E5330/Y/18/3219141

Development Site at Rush Grove House, Rush Grove Street, WOOLWICH, SE18 5DD

- 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 Mr G Halkyard against the decision of London Borough of Greenwich.
 - The application Ref 17/3956/L, dated 11 December 2017, was refused by notice dated 20 July 2018.
 - The development proposed is to erect a two storey, with basement, four bedroom detached house with new vehicular access.
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Appeal A Decision

1. The appeal is allowed and planning permission is granted to erect a two storey, with basement, four bedroom detached house with new vehicular access at development site at Rush Grove House, Rush Grove Street, WOOLWICH, SE18 5DD in accordance with the terms of the application, Ref 17/3955/F, dated 11 December 2017, and the plans submitted with it, subject to the conditions set out in Schedule A.

Appeal B Decision

2. The appeal is allowed and listed building consent is granted to erect a two storey, with basement, four bedroom detached house with new vehicular access at development site at Rush Grove House, Rush Grove Street, WOOLWICH, SE18 5DD in accordance with the terms of the application Ref 17/3956/L dated 11 December 2017 and the plans submitted with it subject to the conditions set out in Schedule B.

Procedural Matters

3. The documentation submitted with the applications included reference to the intention to restore the original landscape design. The plan was submitted with the appeal documentation (1117/17 PA 009 Rev B). Whilst the area covered is outside the application site, it is within the blue line and therefore owned and controlled by the appellant. In these circumstances, pursuant to Section 72(1) of the Act¹, conditions may be imposed for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as it appears to the local planning authority to be expedient for the purposes of or in connection with the development authorised by the permission.
4. The appellant's suggestion that a so called 'Grampian' condition could be used to secure these improvements would not be appropriate, as it relates to land owned by the appellant. Nonetheless as the implementation of this scheme could be secured by a suitably worded condition, it is reasonable to consider the landscaping proposals as part of these applications. Whilst the landscape design plan was not consulted on as part of the applications, given the nature of the proposal I am satisfied that interested parties would not be prejudiced by this consideration.

Main Issues

5. The main issues are:
 - The effect of the proposal on land designated as community open space, including whether the development would be compatible with the character, appearance and use of this area;
 - The effect of the proposal on the setting of Rush Grove House, a Grade II listed building, the character and appearance of the Woolwich Common Conservation area, and other designated and non-designated heritage assets; and,
 - If any harm would be caused, whether this would be outweighed by other considerations, including public benefits.

Reasons

Community open space

i. Community Open Space provision

6. The Royal Greenwich Local Plan: Core Strategy and Detailed Policies 2014 (Core Strategy) Policy OS(b) recognises the value of Community Open Spaces (COS) in providing important functions for the local and wider community. Specifically, the supporting text to this Policy refers to the fact that COS comprise a variety of uses, including local parks, sports grounds and allotments, and that they do not all have general public access. The question of whether this can include private space is not specifically addressed, though Policy OS1 refers to the need to 'safeguard, enhance and improve access to existing public and private open space..... including Community Open Space'.

¹ Town and Country Planning Act 1990

7. The London Plan Policy 7.18 seeks to protect open spaces, and recognises that these are many and varied, including small open spaces used as gardens and nature conservation areas. The Glossary to the London Plan refers to the broad range of open space types, whether in public or private ownership and whether public access is unrestricted, limited or restricted. As such, it is not entirely clear that private spaces with no element of public access meet this definition. It is reasonable to surmise that open space designations are not appropriate for typical privately owned gardens. However, some areas held in private ownership, such as communal gardens, may have restricted access but serve a wider area in terms of both access for some and contribution to setting. As such, I do not agree with the appellants supposition that Policy 7.18 is framed to assume that open spaces are publicly accessible.
8. Looking at the current role and value of the Mulgrave Pond site as COS, the context of its designation as such in 1994 is unclear, though it appears that it may have been viewed as having some potential for use as public open space. The audit of the site as part of the Green Infrastructure Study 2017² is clearly inaccurate. It is therefore appropriate to focus on and consider the current function of the space.
9. This is an attractive green space centred on the Pond and surrounded by many mature trees. Whilst there is limited visibility of the site from surrounding streets, it forms an attractive feature of private views from a number of high-rise developments, around the site. Whilst private views are not as valued as public views, their value is enhanced by the context: in this case the area to the north of Artillery Place, is highly built up.
10. The site is accessed by residents of the properties within Rush Grove House (RGH) and the adjacent Mews development, and occasional informal access by the adjacent primary school is permitted. The restored pond also has wildlife value, and has heritage value as the setting for RGH. Therefore, at this point in time, this COS does fulfil some, albeit limited, functions for the local or wider community, as well as constituting a welcome break in the built-up area, as suggested by the supporting text to Policy OS(b). The fact that only 4% of COS are privately owned without public access does not in itself undermine the designation.

ii. Effect of Proposal

11. The main portion of the appeal site is located in the southern corner of the space between the Pond and the fenced off area containing the Summerhouse and Coach House. It is separated from the semi-formal lawn area associated with RGH by a line of young trees. It currently appears as a neglected parcel of land. The driveway would extend along the southern boundary adjacent to the southern lawn, in an area also currently screened by young trees. As such, in basic terms the appeal site and driveway are reasonably discretely and sensitively located. The fact that there would be no formal treatment of the northern boundary of the appeal site would minimise the sense of there being a further sub-division of the site.
12. The site would occupy a relatively small portion of the COS, with the building footprint being estimated to be 1.7% of the site area. As the ground level

² Towards a Greener Royal Greenwich: Evidence on Green Infrastructure, Open Space and Biodiversity, Final Report prepared by LUC 2017

slopes from the main garden area towards the Pond, the roof level of the dwelling would be below that of both the Summerhouse and the first floor level of RGH. Nonetheless, its location adjacent to the gardens and pond, and the fact that the boat house element would extend into the Pond, would mean that it would be clearly visible in views around the COS, particularly from across the pond. This would be softened to some degree by the range of mature and semi mature vegetation around the site. Overall, as the building would be set away from RGH, and would be relatively modest in size and extent, it would not appear intrusive or incongruous, particularly given the range and scale of built form apparent in and around the site, nor would it impede views of the COS from the surrounding area.

13. Policy OS(b) sets out that new buildings and extensions to existing buildings in COS will only be permitted where they are ancillary to the existing land use. Ancillary generally refers to an element that performs a supplementary or supporting role. In the present case the Pond and communal gardens provide the setting for RGH, and to a lesser extent the Mews development. In this sense the COS itself performs an ancillary function. The proposed dwelling would extend the residential function into an undeveloped area and in this sense the development would not perform an ancillary role. It would be an intensification of the existing primary residential use. Nonetheless, as it would be in a relatively discrete position, and the building would clearly be subordinate in scale and design to RGH, and to a lesser extent the Mews development. It would not intrude significantly on the sense of openness across the COS as a whole.
14. At present the only non-resident access to the Pond is by Mulgrave Primary School through an informal arrangement. The appeal scheme includes a unilateral undertaking to formalise this arrangement, allowing access four times per year, in perpetuity. The formalisation of access arrangements would be of some benefit to the wider community.
15. Technically the proposal would result in a reduction in the size of a COS in an area of acknowledged open space deficiency. However, I have noted the modest size of the plot in relation to the site overall, as well as its currently neglected condition. Further, the proposal would include improvement to the landscaping of the gardens adjacent to RGH. Whilst these lawned areas are currently of reasonable quality, the additional planting proposed would offer some enhancement of the space. In these circumstances the loss of this space would not be harmful to the functionality of the COS overall.

iii. Conclusions against Policy

16. Drawing the threads of this issue together, I have found that the appeal scheme would be limited in size and extent, and that it would be reasonably sensitively located in a neglected corner of the garden area. It would be compatible with neighbouring uses and it would also formalise access arrangements by a local school in an area of open space deficiency. In these respects the scheme would support the provisions of Policies OS(c), OS1 and part of Policy OS(b). Nonetheless, the proposal would not be ancillary to the COS. It would also result in a small reduction in the overall site area. As such there would be some modest and low level conflict with elements of Policy OS(b) and London Plan Policy 7.18.

17. The Core Strategy Inspector's report (IR) referred to open space designations, and the fact that the Strategy proposed the protection of some open spaces that were privately owned and not available for public use. The IR refers to the fact that such policies need to be based on up to date Open Space strategies, a requirement also reflected in the current iteration of the National Planning Policy Framework (the Framework), paragraph 96. Specifically, the IR makes reference to the fact that this work should include a review of Metropolitan Open Land (MOL) and that consequential changes to the Policies Map may be required. Nonetheless the IR states that the policies and proposals were based on sufficiently robust evidence to be effective in supporting the open space site allocations to be determined at a later date.
18. The Green Infrastructure Study fulfils the expectations of the examining Inspector, specifically by identifying areas suggested for inclusion/exclusion from MOL, and forming the evidence base for the forthcoming Site Allocations Plan. Overall, these circumstances do not suggest that less than full weight should be attached to open space policy provisions.
19. The Inspector in the Avery Hill Road appeal in 2016³, a scheme for housing involving the loss of some two thirds of a COS, stated that at that time, prior to the Green Infrastructure Study, the relative public value of that site as COS may be considered against its potential loss. In that case the Inspector concluded that the significance of the policy conflict was mitigated by the circumstance of that inaccessible COS. At that time the Council was not able to demonstrate a 5 year supply of housing land and so the tilted balance was a significant material consideration. Nonetheless, whilst each case must be determined on its merits, the principle of policy conflict being mitigated by the quality of the COS under consideration is not unreasonable.
20. I have found in this case that the COS focused on the Pond is an attractive open space and of wildlife value which, whilst having restricted access, is visible in private views from the range of residential development in close proximity. It does not offer the wider range of health and wellbeing benefits associated with more publicly accessible spaces. Whilst there would be modest policy conflict, the value of this COS would not be diminished by the proposal. Further, the appeal scheme would offer benefits to the COS by improving access to it and the landscape quality. Overall, there would be compliance with the fundamental premise of open space policy provisions. I therefore conclude that the appeal scheme would be compatible with the character, appearance and use of the COS.

Heritage assets

i. Heritage significance

21. The Grade II listed RGH dates from the early 19th Century and was the residence of the Commandant of the Royal Artillery Barracks, many of whom were distinguished military officers. It therefore has strong connections to the military history of the area. Whilst an impressive grand residence, it was not built to the high classical standards of the Regency period, with later additions being made for practical rather than aesthetic purposes. Nonetheless the various phases of development blend into a pleasing composition. Whilst the

³ APP/E5330/W/15/3129768

formality of the former landscaped garden setting is no longer visible, the lawns and mature trees create a pleasant green setting.

22. Mulgrave Pond dates from the 18th Century and originally supplied water to both the Arsenal and Royal Military Barracks. It appears that the Pond was not addressed as part of the setting of RGH, with a wall present and views blocked by extensive planting. However, whilst part of the wall remains, in recent times the central views have opened up creating a strong fortuitous relationship with RGH, creating an open outlook across the Pond from the primary eastern elevation. These views have notable aesthetic value.
23. Within the grounds themselves, the relationship of RGH to its gardens has been somewhat diminished by the separation of the Summerhouse and Coach House, surviving features of the formal gardens. The development of a block of 6 two storey 'mews' properties along the northern side of the gardens, whilst sensitively designed and subservient to RGH, is a significant incursion into the garden area. Large scale residential development in the surrounding area has led to some separation of the site from its wider context.
24. The heritage interest and significance of RGH relates to the strong connection with the military presence in the area from 18thC onwards, supported by the presence of the Pond and the various military barracks in the wider area. The architectural form of RGH also has evidential and aesthetic value and significance. The open nature and aesthetic qualities of the gardens, and other elements such as the brick boundary wall to the west, contribute to significance by defining the setting of this grand property. Whilst this has been harmed somewhat by recent development, my view is that overall the heritage values of RGH are strongly supported by its setting.
25. The relationship of the appeal site to the site overall is not entirely clear. Historical maps suggest that the southern part was separated from the principle gardens from around the mid-19th Century, a division which appeared to endure well into the 20th Century. More recently the separation of the Summerhouse and Coach House from the gardens has meant that the southern part of the appeal site appears as an awkward and under-used part of the gardens. Nonetheless it does make some contribution to the sense of openness in views from across the Pond. The northern part of the appeal site, and the strip of land connecting it with Rush Grove Street, are more prominent in views in and around the gardens. The location and neglected appearance of the appeal site mean that it makes a moderate contribution to the heritage significance of RGH and its setting.
26. The Grade II listed Summerhouse and locally listed Coach House were originally part of the formal gardens, though have now been fenced off from RGH grounds. The octagonal Summerhouse was designed to enjoy views north across to the Thames. It is currently in very poor and deteriorating condition. Both the Summerhouse and Coach House gain significance from their group value with other historic buildings and structures within the RGH site. Whilst these buildings retain an important historic and visual relationship with RGH, the appeal site makes a neutral contribution to their setting.
27. The character and appearance of the Woolwich Common Conservation Area (CA) is dominated by military and recreation uses. The CA includes a group of military buildings of outstanding heritage interest and significance, set within an area of ancient common land. At the time that the Conservation Area

Character Appraisal was prepared the private spaces around RGH and the Pond were outside the CA, though the value of this area in enhancing the open character of the CA was noted. The extent and quality of open space, whether public or private, is therefore an important element of the character of this CA.

28. The appeal site was traditionally part of the area of private gardens and therefore concealed from public view. More recently, access to the RGH site and its wider visibility have both increased, thereby enhancing the contribution of this open area to the CA. Nonetheless, the appeal site is of modest size and at the present time it's the southern portion is tucked away and not readily appreciated as part of the gardens. The appeal site therefore makes a limited contribution to the character and appearance of the CA.

ii. Effect of proposal

29. The proposed two storey, four bedroomed family dwelling would not be a small building, and would be in excess of the nationally described space standards for such a dwelling. Nevertheless, I have noted its low height in relation to RGH, and the fact that the Mews development is much larger. The building would therefore be subservient to existing buildings on site. Also relevant is the significant scale of development in the immediately surrounding area which forms the visible setting to RGH, such as Centurion Court to the south west. When compared to the pattern of existing built form the appeal dwelling would appear as a relatively modest structure in both height and scale.
30. The design of this structure would incorporate both traditional and contemporary elements, which in many ways reflects the design approach and materials used in the Mews development. The northern elevation, facing the garden area and having the closest visual relationship with RGH would have a traditional feel comprising mainly brick/stone and with traditional window/door treatment, though with a contemporary set back at first floor. In contrast the eastern elevation, prominent in views across the pond would be largely glazed and would mirror the design of the Mews development. This partly 'pastiche' approach therefore acknowledges the RGH setting, though due to the lesser scale and degree of separation would not be in competition with it. The contemporary elements would reflect and sit comfortably with the Mews development, particularly in shared views.
31. The boat house element, extending into the Pond area and connected to the basement via a glazed link, would introduce a new feature, though broadly in the location of the columns of a former pumping station. Its octagonal form, reflective of the Summerhouse, and glazed finish would mean that it would appear as lightweight, and clearly subservient to all other structures. In the context of the scale of the space and Pond overall, this 'observation platform' would be a modest addition which would not be unduly intrusive.
32. The submitted Visual Impact Assessment (VIA) focuses on two views. The VIA assessment criteria focus on defined heritage values and impacts. The view east from RGH (Viewpoint 1) towards the appeal site is not the primary outlook from RGH, which is to the north east, across the Pond. Therefore, using the VIA criteria, this view is of low value. The introduction of the appeal building would tidy up this somewhat neglected corner, and design terms would complement RGH. Further, the mature landscape setting would assist in moderating its visibility, though less so in the winter months when the trees are without leaf. There would be some reduction in the openness of the

outlook from RGH, though given the extent of the wide outlook remaining the resulting reduction in sightlines from RGH would not be unreasonable. Therefore the impact on Viewpoint 1 would be negligible.

33. From Viewpoint 2, looking south west from the far side of the Pond, the Pond itself and surrounding mature trees frame the view of RGH, particularly in the summer months. The more recent built form is apparent, with the Mews development bordering one side of the view of RGH and the high-rise development outside the site as a backdrop. Focusing on the appeal site itself, the boundary wall is in sight and the Summerhouse and Coach House are partly visible. Whilst the visibility of the site itself is limited, it does contribute modestly to the open setting of RGH.
34. The appeal building would be a clearly visible addition, though the primary focus on the garden setting of RGH would remain. Indeed, by providing some degree of balance to the Mews development, this relatively small-scale structure would assist in framing the view of RGH, particularly given that this contemporary elevation would reflect the design of the Mews. It would also deflect attention from the high-rise buildings in the background. Specifically, the boathouse element and would draw the eye away from this backdrop. Using the VIA criteria, the impact on Viewpoint 2 would be negligible.
35. Whilst Viewpoint 2 offers the best opportunity to appreciate RGH in its setting, the general kinetic experience of walking around the Pond and looking at the area from different angles is of value. The appeal building and boat house would be more prominent in views from the southern side of the Pond, and would introduce a greater sense of enclosure. However, as in these views RGH is less prominent, this would have a minor adverse impact on its setting.
36. The site area including the driveway, would be sub-divided from the wider site. This would result in a modest reduction in the openness of the landscape setting of RGH. However, given the setback location of the main southern portion of the site and the position of the driveway close to the southern boundary this would not be significantly intrusive. Further, given the existing landscaping this would not create an obvious sub-division of the site.
37. The proposal would require a new entrance in the western boundary wall to RGH, and therefore the removal of a small area of historic fabric. There is no evidence to suggest that RGH had an entrance in this location. However, the principle of 'in out' access points in a Regency property of this nature would not be unreasonable. Furthermore, the design of the new entrance for the Mew development further north has illustrated that this can be successfully achieved with minimal impact. My view is that this alteration would have a negligible impact on the integrity of the historic fabric overall.

iii. Conclusions on effects on heritage assets

38. The heritage significance of the setting of RGH relates to the open nature and aesthetic qualities of its grounds, and to other elements such as the brick boundary wall to the west, which assist in defining an appropriate setting for this grand property. The appeal site contributes moderately to this setting. The appeal building would be a visible addition, though as a result of its largely peripheral location, modest scale and sympathetic design, it would be a positive addition, and the impact on the boundary wall would be negligible.

Nonetheless as a result of the modest reduction in the openness of the spatial context of RGH, there would be some harm to its setting.

39. The appeal scheme would not alter the primary northern viewpoint from the listed Summerhouse. The group value of this and the locally listed Coach House with RGH would be unaffected by the proposal. Indeed, there would be some modest enhancement of their setting through the improvements to this neglected corner of RGH grounds. The effect of the proposal would be neutral.
40. The character and appearance of the CA relates to its military heritage and open spaces. The discrete position of the site and the lack of wider public visibility would moderate any impact. Whilst in some senses there would be an improvement to the setting of RGH, I have also recognised that there would be a small reduction in the openness of this space. There would be modest harm.
41. In reaching these views I have considered the cumulative impact of the changes to the setting of RGH, and the wider CA, over recent years. In particular the Mews development, part of a proposal which enabled restoration works to RGH to be completed, has had a notable impact on the openness of its garden setting. Furthermore, the visibility of surrounding high-rise developments detracts from the wider site context. Nonetheless, my view is that overall these developments do not materially detract from the significance of these heritage assets.
42. I have identified low level conflict with Core Strategy Policies DH3, DH1, DH(i), DH(h), H(c) and H5 which taken together seek to protect the setting of listed buildings, the character and setting of conservation areas, and more generally to promote design which takes into account key relationships between the character of the area and site location. There would be similar minor conflict with London Plan Policies 3.5, 7.4 and 7.8 seeking to protect heritage assets, as well as the relevant provisions of the Framework.
43. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out at Section 66(1) that, in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses. With regards conservation areas, the parallel duty at Section 72(1) is to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
44. The Framework requires 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, irrespective of whether any potential harm amounts to substantial harm or less than substantial harm to its significance. In this case my view is that the minor harm to the open setting of RGH would amount to low level less than substantial. The less than substantial harm to the CA would similarly be low level. In accordance with paragraph 196 of the Framework, having found less than substantial harm I am required to weigh this against the public benefits of the proposal.

Public benefits

45. The proposed landscape design suggests that an interpretation of the landscaping plan illustrated in the 1853 Gosset Map could be introduced to the

wider gardens. This would be on a reduced scale, though a sense of the greater formality of the RGH setting of that time, with additional planting and sweeping pathways, could be introduced. Further, this illustrates that the appeal site and driveway could be more effectively integrated with additional planting. Whilst the current condition of the grounds is reasonable, the enhancements offered by the landscape proposals would be a benefit weighing moderately in favour of the appeal scheme.

46. A unilateral undertaking has been submitted to secure future access to the site by Mulgrave Primary School in perpetuity. Whilst access would be restricted to four times per year, this commitment would enable a greater appreciation of the site and heritage assets by a wider audience than at present. This would be a public benefit weighing moderately in favour of the appeal scheme.
47. More generally the appellant refers to ecological enhancements and site maintenance benefits. The appellant has introduced significant improvements to the wider site over the past few years, with those relating to ecological improvements to the Pond being particularly beneficial. However, other than reference to the green roof to the dwelling, it is unclear how the appeal proposals would secure additional ecological or site maintenance benefits. Similarly, whilst reference is made to the intention to commission a geophysical survey to establish whether the Pond could be used as a water source, there is no detail before me in terms of how or when this would be secured. I therefore give limited weight to these wider considerations, and modest weight to the provision of a green roof.
48. The appeal scheme would provide a new family home. Whilst the Council is able to demonstrate a five year supply of new homes, the London Plan makes it clear that Councils should seek to achieve and exceed the minimum target in support of the Government's objective of significantly boosting the supply of homes. The appeal scheme would make a modest contribution to supply.

Obligation

49. The obligation provided, in the form of a unilateral undertaking, relates to the provision of access for the pupils of Mulgrave Primary School to the Pond four times per year. I have noted the benefit of this formalised access provision. I therefore agree that it is directly related to the development, is necessary to make it acceptable in planning terms and that it is fairly related to it in scale and kind. As such it complies with paragraph 56 of the Framework.

Conditions

50. The parties have tabled a list of conditions for both appeals, which I have considered in the light of the advice set out in the Government's Planning Practice Guidance. I have made minor amendments in the interests of precision and enforceability.
51. Conditions requiring development to be carried out in accordance with approved plans are required as this provides certainty. Conditions relating to external materials, hard and soft landscaping and a tree protection plan are necessary to safeguard the setting of the listed buildings and wider CA. I have amended the landscape condition (condition 9 of Appeal A and condition 5 of Appeal B) to include the landscaping of the wider site in order to secure the implementation of plan 1117/17 PA 009 REV B. Detailed drawings relating to

the entrance gates are required to safeguard the special interest of the listed building, and the character and appearance of the wider conservation area. Conditions removing permitted development rights are required for similar reasons, as are conditions requiring that there be no formal boundary treatment along the northern boundary of the appeal site.

52. A condition relating to a Construction/Demolition Management Plan is necessary to protect the amenities of residents of nearby properties, and to ensure that there is no adverse impact on highway safety. A Basement Construction Method Statement is also required to protect residential amenity, as well as the stability of the site.
53. A condition relating to the submission and implementation of refuse recycling facilities is to protect the appearance of the buildings and area and to safeguard the amenity of the occupiers of nearby properties. A condition relating to CO2 omissions and energy performance is necessary to contribute towards climate change objectives. For the same reason a condition relating to boiler details is required, with this condition also required to protect residential amenity in terms of air quality. A condition relating to sustainable urban drainage is to prevent the risk of flooding to and from the site. A condition relating to the green roof is necessary to contribute towards enhancing biodiversity. The condition relating to potable water is required to ensure that water is conserved for future occupiers.
54. A condition relating to access and inclusivity is required to support equality of access to the dwelling. Finally, a condition relating to the provision of cycle parking is required in the interests of supporting sustainable travel.

Balancing and conclusions

55. I have found minor policy conflict in relation to the provision of COS. However, as there would be no harm to the functionality of this area, its value as COS would not be diminished. As there would be general compliance with the overall purpose of open space policies the proposal would not have a harmful effect on COS provision.
56. On heritage matters, whilst I found positive aspects to the appeal scheme, I found that there would be some harm to the openness of the setting of the listed building and the setting of the CA. In both cases I found harm to be at the low level less than substantial spectrum. Nonetheless I am required to give great weight to harms relating to designated heritage assets. Set against this, I have noted that the scheme would secure moderate and modest benefits relating to the landscape of the wider site, access to the site and the provision of a new dwelling. These benefits would clearly outweigh the identified harm.
57. I therefore conclude that both of the appeals should succeed.

AJ Mageean

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Neal Thompson	RE Planning
Lucy Markham	Montague Evans
Dorian Crone	Heritage and Design Consultant
Daniel Cummings	Heritage and Design Consultant
Iolanda Costide	NTA Architects
Radu Axinte	NTA Architects
Gary Halkyard	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Louise Macionis	Senior Principal Planning Officer
Joe Higgins	Case Officer
Marc Fillion	Planning Policy Officer
Tarana Choudhury	Senior Conservation Officer

Schedule A: Appeal A Conditions

1. The development to which this permission relates must be begun not later than the expiration of three (3) years beginning with the date on which the permission is granted.
2. The development hereby permitted shall be carried out wholly in accordance with the following approved plans unless previously agreed in writing by the Local Planning Authority. The following plans are prefaced 1117/17: PA 100 – 1, PA 100 – 2, PA 101, PA 102, PA 001 Rev B, PA 002, PA 003 Rev A, PA 004 Rev B, PA 005 Rev A, PA 006 Rev B, PA 009 Rev B, PA 010 Rev H, PA 011 Rev H, PA 012 Rev H, PA 013 Rev A, PA 014 Rev B, PA 015 Rev B, PA 016 Rev A, PA 017 Rev A, PA 018 Rev A, PA 019 Rev A. Part topographic survey 3913-1 Sheet 1 and 3913-2 Sheet 2.
3. Prior to the commencement of the development hereby approved, including site clearance and demolition works, a Construction Logistics Plan (CLP) and a Construction Management Plan (CMP) shall be submitted, to and approved in writing by, the Local Planning Authority, in conjunction with Transport for London, to minimise impacts to the local highway network and to control noise, vibration and air pollutants generated as a result of the construction process. These documents shall be prepared in accordance with the London Freight Plan, 'The control of dust and emissions from construction and demolition' Supplementary Planning Guidance, the Council's Construction Site Noise Code of Practice (http://www.royalgreenwich.gov.uk/downloads/file/470/noise_from_major_construction_sites_leaflet), BRE Pollution Control Guides 'Controlling particles and noise pollution from construction sites' and 'Controlling particles, vapour and noise pollution from construction sites'). The CLP and CMP shall include details of (but shall not be limited to):
 - a. loading and unloading of plant and materials;
 - b. storage of plant and materials;
 - c. programme of works;
 - d. measures for traffic management and encouragement of sustainable modes of transport for workers;
 - e. details of a vehicle booking system
 - f. provision of boundary hoarding and visibility zones of construction traffic routing;
 - g. hours of operation;
 - h. means to prevent deposition of mud on the highway;
 - i. likely noise levels to be generated from plant and construction works;
 - j. a dust risk assessment;
 - k. means to monitor and control dust, noise and vibrations;
 - l. haulage routes;
 - m. a site plan identifying location of site entrance, exit, wheel washing, hard standing hoarding (distinguishing between solid hoarding and other barriers such as heras and monarflex sheeting), stock piles, dust suppression, location of water supplies and location of nearest neighbouring receptors;
 - n. bonfire policy; and
 - o. confirmation that a mobile crusher will/won't be used on site and if so, a copy of the permit and intended dates of operation.The development shall be constructed in accordance with the approved Plans.

4. Prior to the commencement of the development, a Basement Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority and the construction works on site shall be carried out in accordance with the approved details. The Basement Construction Method Statement should include details of the following:
 - a. Appointment of suitably qualified professional (civil or structural engineer).
 - b. A ground and hydrological condition report dealing with groundwater flow ensuring structural stability during excavation and demolition.
 - c. Temporary propping/temporary works and construction work, minimising disturbance.
 - d. Drilling of boreholes in order to establish first, the groundwater table below the basement slab and part walls, and secondly the composition of the ground to a depth of at least two metres below the underpinned party walls
 - e. Sequence of temporary works to minimise the effect on neighbours and Management of water flow.
 - f. Proposals for monitoring vibration and procedures to be put in place to minimise such disturbance, including those relating to any piling on the site (it is expected that vibration over 1mm/s measured as a peak particle velocity would constitute unreasonable vibration).
 - g. Proposal for monitoring air pollution and noise and procedures to be put in place to minimise such disturbances.
- 5.a. Prior to the commencement of the development hereby approved, a Tree Protection Plan (TPP) prepared by a suitably qualified expert shall be submitted to, and approved in writing by the Local Planning Authority. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.
 - b. The scheme shall be implemented in accordance with the approved details.
6. Prior to the commencement of works above ground level, full details including samples constructed on site, of all external facing materials and finishes, to be used on the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority and the scheme shall thereafter be fully implemented in accordance with the approved details and maintained in perpetuity.
7. Prior to the commencement of works to the listed building boundary wall hereby approved, full architectural details including 1:5/1:10 scale drawings for the new vehicle entrance gates in the western boundary wall fronting Rush Grove Street, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be fully implemented in accordance with the approved details prior to the first occupation of the building and shall
8. Prior to the commencement of above ground works, drawings illustrating that the dwelling hereby permitted complies with Building Regulation requirement M4(2) 'accessible and adaptable dwellings', shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Council's

Housing Occupational Therapist. The approved details shall be fully implemented prior to the occupation of the building and maintained thereafter for the lifetime of the development.

- 9.a. Prior to above ground works (excluding demolition), a Landscaping Strategy for all the hard and soft landscaping of any part of the site not occupied by buildings shall be submitted to and approved in writing by the local planning authority. Including details of:
- Permeability of all hard surfaces
 - Materials
 - Planting
- b. All hard landscaping works which form part of the approved scheme under part (a) and those relating to the wider site included in plan 1117/17 PA 009 REV B, shall be completed prior to occupation of the development.
- c. All planting, seeding or turfing comprised in the landscaping scheme under part (a) and those relating to the wider site included in plan 1117/17 PA 009 REV B, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development. 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.
10. Prior to the commencement of the development hereby approved, a final drainage design scheme, which includes detailed drawings, shall be submitted to the Local Planning Authority for its review and written approval. This must include a detailed maintenance plan for the proposed drainage features which sets out who is responsible for maintaining the drainage system. The development shall be carried out in accordance with the approved details.
- 11.a. Details of the green roof shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works, and should include: type of green roof; substrate and vegetation; management and maintenance.
- b. Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.
- c. The green roof shall be retained for the lifetime of the development in accordance the approved details.
- 12.a. Prior to the first occupation of the dwelling hereby approved, full details of 2 secure and covered cycle space shall be submitted to, and approved in writing by, the Local Planning Authority.
- b. The approved cycle parking space shall be provided and made available for use prior to the first occupation of the development and maintained thereafter.
13. Prior to the first occupation of the development hereby approved, full details of the refuse and recycling facilities for the development shall be submitted to, and approved in writing by the local planning authority.

All refuse and recycling facilities shall be provided and made available for use prior to occupation of the development and maintained thereafter for the lifetime of the development.

- 14.a. The dwelling hereby permitted 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.
 - b. No part of the development hereby permitted shall be occupied until evidence that the energy performance standard referred to in part (a) of this Condition has been achieved, has been submitted to, and approved in writing by, the Local Planning Authority.
15. Prior to the first occupation of the development hereby approved, a completed Water Efficiency Calculator for New Dwellings must be submitted to the Local Planning Authority and approved in writing to show that internal potable water consumption for the dwelling will be limited to 105 litres per person per day (l/p/d) based on the Government's national calculation method for water efficiency for the purpose of the Building Regulations. The Water Efficiency Calculator shall be accompanied by details of the location and type of all appliances or fittings that use water, the capacity or flow rate of any equipment and any rainwater or greywater collection systems incorporated as part of the development. The approved details shall be implemented prior to the first occupation of any part of the development hereby approved and thereafter permanently maintained as such.
16.
 - a. Prior to first occupation of the development, details of the boilers shall be submitted to and approved in writing by the Local Planning Authority. The boilers shall have dry NO_x emissions not exceeding 40 mg/kWh (0%).
 - b. The boilers shall be installed and retained for the lifetime of the development in accordance the approved details unless the prior written approval of the Local Planning Authority is given.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modifications), no enlargement or other alteration to the dwellinghouse hereby permitted shall be carried out without the prior written permission of the Local Planning Authority.
18. No formal boundary treatment shall be erected along the northern boundary of the development site with Rush Grove House.

Schedule B: Appeal B Conditions

1. The development to which this permission relates must be begun not later than the expiration of three (3) years beginning with the date on which the permission is granted.
2. The development hereby permitted shall be carried out wholly in accordance with the following approved plans unless previously agreed in writing by the Local Planning Authority. The following plans are prefaced 1117/17: PA 100 – 1, PA 100 – 2, PA 101, PA 102, PA 001 Rev B, PA 002, PA 003 Rev A, PA 004 Rev B, PA 005 Rev A, PA 006 Rev B, PA 009 Rev B, PA 010 Rev H, PA 011 Rev H, PA 012 Rev H, PA 013 Rev A, PA 014 Rev B, PA 015 Rev B, PA 016 Rev A, PA 017 Rev A, PA 018 Rev A, PA 019 Rev A. Part topographic survey 3913-1 Sheet 1 and 3913-2 Sheet 2.
3. Prior to the commencement of works above ground level, full details including samples constructed on site, of all external facing materials and finishes, to be used on the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority and the scheme shall thereafter be fully implemented in accordance with the approved details and maintained in perpetuity.
4. Prior to the commencement of works to the listed building boundary wall hereby approved, full architectural details including 1:5/1:10 scale drawings for the new vehicle entrance gates in the western boundary wall fronting Rush Grove Street, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be fully implemented in accordance with the approved details prior to the first occupation of the building and shall
- 5.a. Prior to above ground works (excluding demolition), a Landscaping Strategy for all the hard and soft landscaping of any part of the site not occupied by buildings shall be submitted to and approved in writing by the local planning authority. Including details of:
 - Permeability of all hard surfaces
 - Materials
 - Planting
- b. All hard landscaping works which form part of the approved scheme under part (a) and those relating to the wider site included in 1117/17 PA 009 REV B, shall be completed prior to occupation of the development.
- c. All planting, seeding or turfing comprised in the landscaping scheme under part (a) and those relating to the wider site included in 1117/17 PA 009 REV B, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development. 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modifications), no enlargement or other alteration to

the dwellinghouse hereby permitted shall be carried out without the prior written permission of the Local Planning Authority.

7. No formal boundary treatment shall be erected along the northern boundary of the development site with Rush Grove House.