
Appeal Decision

Site visit made on 1 September 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2020

Appeal Ref: APP/E5330/W/20/3246201

Site to the rear of 38-40 Crooms Hill, Greenwich, London, SE10 8HB

- 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 Stephen Davies against the decision of Royal Borough of Greenwich Council.
 - The application Ref: 19/2393/F dated 4 July 2019, was refused by notice dated 16 December 2019.
 - The development proposed is demolition of the existing lock-up garages and the construction of a single three-bedroom dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing lock-up garages and the construction of a single three bedroom dwelling house at site to the rear of 38-40 Crooms Hill, Greenwich, London, SE10 8HB in accordance with the terms of the application, Ref: 19/2393/F dated 4 July 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The appellant has submitted a revised drawing with the appeal; 44-1810-PL119 Rev C. This is to correctly show the proposed development relative to the floor level datum of the rear courtyard of No. 1 Crooms Hill Grove and the height of the intervening boundary wall. Having regard to the '*Wheatcroft principles*'¹, as this drawing is a correction rather than an amendment to the proposal I have taken it into account. I am satisfied that with my observations during my site visit I have adequate information to determine this appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - i) designated and non-designated heritage assets;
 - ii) the living conditions of the occupiers of neighbouring properties, with particular regard to No. 1 Crooms Hill Grove in respect of outlook; and
 - iii) on-street parking capacity, the use of the private car and highway safety.

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL 1982 P37]

Reasons

Heritage assets

4. The appeal site comprises a block of six single garages and a forecourt. It lies within the setting of the Grade II listed 36 Crooms Hill (No. 36), within the West Greenwich Conservation Area (the Area) and within the buffer zone to the Maritime Greenwich World Heritage Site (the WHS). The dwellings in Crooms Hill Grove and Nos. 38 and 40 Crooms Hill (Nos. 38 and 40) are identified as non-designated heritage assets on the Royal Greenwich Local Heritage List (2020) (the Local Heritage List).
5. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require me to have special regard to the desirability of preserving the setting of a listed building and preserving or enhancing the character or appearance of a conservation area. Paragraph 184 of the National Planning Policy Framework (the Framework) sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

No 36

6. No. 36 dates from the late 18th Century and its significance is principally in its being part of a group with a number of other listed properties and the non-designated assets of Nos. 38 and 40 on the south-west side of Crooms Hill. An outbuilding at the end of the garden to No. 36 lies opposite the appeal site. This is believed to be a former coach house and to date from at least 1870. It is not listed in its own right but, having regard to the published advice of Historic England² I consider it to be 'curtilage listed'. The significance of this building lies principally in its relationship to No. 36.
7. The setting of No. 36 comprises Greenwich Park opposite the front elevation and other dwellings to the sides and rear. From the evidence before me, the appeal site has no historical connection other than proximity with No. 36 and the outbuilding. Whilst No. 36 and the appeal site are visible from each other, the proposed development would not result in the loss of any historically significant views of or from No. 36. Neither would it result in any loss in the ability to appreciate the significance of No. 36. Whilst the development would result in a change to the setting of No. 36 that change would not be harmful to the significance of the listed building and would therefore preserve its setting.

The Conservation Area

8. The Area is a large conservation area encompassing the historic areas of Greenwich to the west of the Old Royal Naval College and Greenwich Park. The significance of the Area lies in the quality of its townscape and diversity of its architecture. Crooms Hill Grove is specifically identified in the Area Appraisal as a set piece; *"an intact and remarkably narrow row of 1838"*.
9. The garages on the appeal site are utilitarian in appearance and are of no particular historic merit. However, they reflect the residential character of this part of the Area, are modestly-sized and set back from the road. As a

² Listed Buildings and Curtilage Historic England Advice Note 10 (2018)

result, they do not impinge significantly on the character or appearance of the Area, to both of which they therefore make a neutral contribution.

10. The new dwelling would be larger than the existing garages in both height and footprint. However, the highest element of the proposal would be significantly lower than the adjoining terrace and would not project significantly beyond the front elevations of those properties. The north-eastern element would be set back from the side elevation and side garden wall of No. 38 Crooms Hill (No. 38).
11. I note the views of The Greenwich Society. However, I find that the appeal proposal strikes an appropriate balance between being of a contemporary design that is clearly distinct from the existing historic development in the vicinity but not to the extent that it would jar with the character or appearance of Crooms Hill Grove. The modest increase in the sense of enclosure of the access into Crooms Hill Grove resulting from the proposal would not be materially harmful to the character or appearance of the road. The proposed development would therefore at least preserve the character and the appearance of the Area.

The WHS

12. The Old Royal Naval College and Greenwich Park form the core of the WHS. The key features or "attributes" of the Outstanding Universal Value (OUV) of the WHS include its architecture and the masterplan of buildings and designed landscape. The proposed development would not be harmful to these attributes or the OUV of the WHS.

Non-designated heritage assets

13. The early 19th century terraces of Nos. 1 - 16 Crooms Hill Grove are identified on the Local Heritage List as being of group value. The mid-19th century Nos. 38 and 40 have group value with the listed buildings on the south-west side of Crooms Hill.
14. The lower height and set-backs would result in a dwelling that is subordinate to these non-designated heritage assets. The dwelling would not interrupt views of the front elevation of the terrace of properties on the south-east side of Crooms Hill Grove from the entrance off Crooms Hill and would not affect the ability to appreciate their significance. Therefore, the proposal would not be harmful to the significance of these heritage assets.

Conclusion on heritage assets

15. I therefore conclude that the proposed development would preserve the setting of No. 36, would preserve the character and appearance of the Conservation Area and would not cause harm to the OUV of the WHS or to the significance of the non-designated heritage assets of Crooms Hill Grove or Nos. 38 and 40. Accordingly, the proposal would accord in this respect with Policies 7.4, 7.6, 7.8 and 7.10 of the London Plan³ which, in combination, require high quality design that has regard to local character, architectural quality and development to conserve the significance of heritage assets.

³ The Spatial Development Strategy for London Consolidated with Alterations since 2011 (2016)

16. It would also accord in this respect with Policies DH1, DH3, DH4, DH(h), DH(i) and DH(j) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (adopted July 2014) (the Local Plan). Amongst other things these policies require a high standard of design, seek to protect heritage assets and their settings, including conservation areas, both nationally and locally listed buildings and the Maritime Greenwich WHS. Furthermore, the proposal would accord with the Framework's approach to the conservation of heritage assets.

Living conditions

17. No. 1 Crooms Hill Grove (No. 1) has a small courtyard garden with a restricted outlook due to its high boundary walls. The higher part of the south-western side of the proposed dwelling would extend beyond the rear elevation of No 1 by approximately 0.3 m. The lower part of this side of the proposal would also extend slightly above the existing tall rear boundary wall of No. 1 with the appeal site. The proposed development would therefore encroach only to a very limited extent into the outlook from the garden to the north-east, even from the higher part of the garden, and would not result in an unneighbourly sense of enclosure. The development would not unacceptably diminish the amount of daylight or sunlight in the garden.
18. Given the relatively low height and set back of the first-floor element of the proposed dwelling closest to Nos. 38 and 40, it would not result in an unneighbourly sense of enclosure or materially harmful loss of sunlight to these properties. Any loss of daylight or sunlight to the outbuilding at No. 36 would not be harmful to the living conditions of the occupiers of that property as the outbuilding is not used as living accommodation.
19. Given the distance between the proposed dwelling and the properties to the north-west side of Crooms Hill Grove and the orientation of the windows in the proposed dwelling, there would be no harmful loss of daylight, sunlight or privacy for those properties. Views of other properties are to be expected in an urban area and with the restricted height and the breaking up of the mass of the proposal, there would be no unacceptable loss of outlook for the occupiers of any of these properties.
20. I therefore conclude that the proposed development would not be unacceptably harmful to the living conditions of the occupiers of neighbouring properties in respect of outlook or other considerations. Accordingly, in this respect, the proposal would comply with Policy 7.6 of the London Plan and Policy DH(b) of the Local Plan which seek, amongst other things, to protect the living conditions of the occupiers of adjacent properties.

Highways

21. The existing garages, whilst able to accommodate two-wheeled vehicles, do not appear to be of a suitable size for larger modern cars. However, the forecourt in front of the garages is suitable for parking, with room for 5 – 6 vehicles. Although privately-owned there is no physical barrier to parking on the site. The appellant's Parking Stress Survey (the Parking Survey) confirms that on the nights of the surveys, cars were parked on the forecourt, and some cars were parked there at the time of my site visit. I am therefore of the view that, as a matter of fact, the forecourt affords 5 - 6 parking spaces.

22. These spaces would be lost as a result of the proposed development, thus displacing the cars that currently park there. Crooms Hill Grove and the surrounding area is a controlled parking zone (CPZ), with the majority of the on-street parking spaces being restricted to resident permit only.
23. However, the Parking Survey demonstrates that there is existing capacity on the surrounding streets to accommodate the displaced vehicles. Although the Parking Survey was not submitted with the application, the Council has had the opportunity to comment on its findings but has not done so. The Parking Survey was undertaken in accordance with a recognised methodology and in the absence of any evidence from the Council or third parties contrary to its findings, I see no reason not to accept it as an indication of the parking situation. An off-street parking space would be provided for the occupiers of the proposed dwelling as part of the development.
24. Policy IM(c) of the Local Plan seeks to manage the demand for on-street parking and also requires developments supported by a high level of public transport accessibility and within Controlled Parking Zones to be car free. The proposed development would not be car free. However, 'high level' is not defined in the policy or its supporting text and I have not been referred to any definition elsewhere. The site has a PTAL rating of 4 which, in my view, within the PTAL range of 1 - 6 equates to a good rather than a high level of accessibility to public transport.
25. The forecourt is valuable as a turning area and as a pedestrian refuge and its loss could lead to vehicles reversing onto Crooms Hill. However, the land is not part of the public highway and neither the highway authority nor the emergency services have objected to its loss. Furthermore, although narrow, there are footways along the entrance to Crooms Hill Grove and pedestrian use is likely to be low as it serves a limited number of dwellings and is not a through route.
26. I thus conclude that the proposed development would have an acceptable effect on on-street parking. I therefore find no conflict in this respect with Policy IM(c) of the Local Plan. Nor do I find conflict with this policy in respect of the development not being car free for the reasons above. The proposed development would not have an unacceptable impact on highway safety and so would accord with the policies of the Framework relating to this matter.

Conditions

27. In addition to the standard time limit for commencement, the Council has suggested a number of conditions were planning permission to be granted. I have considered these conditions in light of the tests set out in paragraph 55 of the Framework, amending them where necessary for the sake of clarity, precision, succinctness and logic of order.
28. I consider that, given the provision of an off-road parking space in the proposal, a condition requiring a detailed scheme or legal agreement preventing a future occupier of the proposed dwelling from applying for a parking permit would be reasonable, even if there is existing on-street capacity. I also consider the condition necessary to ensure that the wider and cumulative effects of developments such as that proposed on on-street

parking do not undermine the parking strategy of the Council. Therefore, although the Planning Practice Guidance (PPG) discourages the general use of conditions that require an applicant / appellant to enter into a planning obligation, I have imposed a suitable amended condition. A condition requiring the provision and retention of the proposed off-street parking space for the occupiers of the dwelling is necessary to avoid further pressure on on-street parking in the locality.

29. A pre-commencement condition in respect of a demolition and construction method statement is necessary to ensure that the demolition and construction works are undertaken in a satisfactory manner. The appellant has agreed to this condition⁴. A condition requiring compliance with the approved plans is necessary in the interests of certainty. A condition regarding archaeological remains is necessary to protect such remains and ensure compliance with the policies of the development plan relating to archaeology given the site's location within an Area of High Archaeological Potential.
30. The approval of materials is necessary in the interests of the character and appearance of the WGCA. A condition requiring compliance with Building Regulation requirement M4(2) is necessary in the interests of accessibility and the policies of the development plan relating thereto. Conditions regarding the boiler(s) to be installed and water use are necessary in the interests of air quality and water efficiency and to ensure compliance with the policies of the development plan on these matters.
31. Control over the provisions for refuse and waste is necessary in the interests of the character and appearance of the area and the living conditions of the occupiers of neighbouring properties. The provision of cycle parking is necessary to encourage the use of modes of transport other than the private car. A condition restricting the use of the flat roofs of the proposed dwelling is justified to protect the living conditions of the occupiers of neighbouring properties.

Conclusion

32. I have had regard to the representations made by local residents on other matters including watercourses and a lack of engagement by the appellant. However, none of these matters have been determinative in this case.
33. Therefore, for the reasons given above, I conclude that the appeal should be allowed and planning permission granted subject to the conditions I have set out and justified above.

Martin Small

INSPECTOR

⁴ Email dated 7 September 2020

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: 44/1810-PL-001 A, 44/1810-PL-002 A, 44/1810-PL-004 A, 44/1810-PL-005 A, 44/1810-PL-006 A, 44/1810-PL-007 A, 44/1810-PL008 A, 44/1810-PL-009 A, 44/1810-PL-010 A, 44/1810-PL-011 A, 44/1810-PL-012 A, 44/1810-PL-101 B, 44/1810-PL-102 B, 44/1810-PL-103 B, 44/1810-PL-104 B, 44/1810-PL-105 B, 44/1810-PL-106 B, 44/1810-PL107 B, 44/1810-PL-108 B, 44/1810-PL-109 B, 44/1810-PL-110 B, 44/1810-PL-111 B, 44/1810-PL-112 B, 44/1810-PL-113 B, 44/1810-PL-114 B, 44/1810-PL-115 B, 44/1810-PL-116 B, 44/1810-PL-117 B, 44/1810-PL-118 B, 44/1810-PL-119 C, 44/1810-PL-120 B, 44/1810-PL-121 B, 44/1810-PL-122 A, 44/1810-PL-123 A, 44/1810-PL-124 A, 44/1810-PL-200 B, 44/1810-PL-201 A, 44/1810-PL-202 A, 44/1810-PL-500 B, 44/1810-PL-501 B, 44/1810-PL-502, 44/1810-PL-503, 44/1810-PL-600 A, 44/1810-PL-601 A, 44/1810-PL-602 A, 44/1810-PL-603 A, 44/1810-PL-604 A, 44/1810-PL-605 A, 44/1810-PL-606 A, 44/1810-PL-607 A, 44/1810-PL-608 A, Cover Letter, Heritage Statement, Planning Statement, Design & Access Statement Rev A, Basement Impact Assessment and Overshadowing Study.
- 3) No works of demolition or construction shall take place until a Demolition and Construction Method Statement, including a Basement Construction Method Statement, has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall include, but not be limited to, a risk assessment and a method statement in accordance with the control of dust and emissions from Construction and Demolition Best Practice Guidance published by the Greater London Authority and details of the following:
 - Site hoarding;
 - A ground and hydrological condition report dealing with groundwater flow ensuring structural stability during excavation and demolition;
 - The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - Any measures that will be applied to control the emission of noise, vibration and dust, including working hours;
 - Details of the phasing, programming and timing of works, including hours of operation;

- A scheme for recycling/disposing of waste resulting from the demolition and construction works, including excavation and the location and emptying of skips.
- 4) Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in situ and reported to the Royal Borough of Greenwich as the Local Planning Authority within three working days of their being revealed. Works shall be immediately halted in the relevant area of the site until provision shall have been made for the retention in situ and/or proper recording of the revealed feature(s), as required and in accordance with details that shall have first been submitted to and approved in writing by the Royal Borough of Greenwich as the Local Planning Authority.
- 5) No development above existing ground level shall take place until details and samples of the following materials of the dwelling 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 details and thereafter retained as such:
- Yellow London Stock brick;
 - Precast concrete lintels & banding;
 - Timber door;
 - Precast concrete cornice;
 - Aluminium window system;
 - Facing masonry and brick blank panels.
- 6) The dwelling hereby permitted shall not be occupied until Building Regulation requirement M4(2) has been complied with.
- 7) The dwelling hereby permitted shall not be occupied until a boiler or boilers which have dry NO_x emissions not exceeding 40 mg/kWh (0%) have been installed. These shall be retained for the lifetime of the development unless the prior written approval of the Local Planning Authority is given.
- 8) The development hereby permitted shall not be occupied other than in compliance with Regulation 36(2)(b) of the Building Regulations 2010 (as amended by the Building Regulations (Amendment) Regulations 2015/767) and as set out in section G2 of the Building Regulations Approved Document (110 litres per person per day).
- 9) The dwelling hereby permitted shall not be occupied until arrangements for the storage and disposal of refuse/waste facilities have been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter these arrangements shall remain in place.
- 10) The development hereby permitted shall not be occupied until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority to ensure that all future residential occupiers of the approved

development cannot apply for or obtain an on-street parking permit to park a vehicle on the surrounding public highway. The approved scheme shall be implemented prior to the occupation of the development hereby permitted and shall be so maintained unless otherwise agreed in writing by the Local Planning Authority.

- 11) The dwelling hereby permitted shall not be occupied until a vehicle parking space has been provided in accordance with approved drawing 44/1810-PL-121 B and that space shall thereafter be kept available at all times for the parking of vehicles.
- 12) The dwelling hereby permitted shall not be occupied until 2 cycle parking spaces have been provided on site. Thereafter these spaces shall be retained as such.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification) no part(s) of the roof of the dwelling hereby permitted be used as a balcony or terrace nor shall any access be formed thereto.

End of Schedule