
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: 15 October 2020

Appeal Ref: APP/E5330/W/20/3245819

Car Park at 64 Greenwich Park Street, Greenwich, SE10 9LT

- 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 Croftlar Holdings Limited against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/1191/F, dated 29 March 2019, was refused by notice dated 30 July 2019.
 - The development proposed is the construction of a 3-storey building (plus roof space) to provide 7 residential apartments (Use Class C3).
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 25 September 2020

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant refers to the emerging London Plan¹. The Mayor of London has issued his intention to publish the new London Plan, incorporating changes in response to the Panel Inspectors' recommendations, and the Secretary of State has responded with directions for modifications to the Plan. The final version of the new Plan has yet to be published. I have had regard to the latest version of the new London Plan in the determination of this appeal, according those policies not subject to a direction substantial weight in accordance with paragraph 48 of the National Planning Policy Framework (the Framework) and return to it below.

Main Issues

3. The main issues are:
 - i) the effect of the proposed development on the character and appearance of the area, including whether the proposal would preserve or enhance the character or appearance of the Greenwich Park Conservation Area.
 - ii) the effect of the proposed development on the living conditions of the occupiers of No 66 Greenwich Park Street and No 9 Thalia Close, with particular regard to outlook, privacy and daylight; and

¹ The Spatial Development Strategy for Greater London

- iii) whether the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to daylight, sunlight, internal floorspace and external areas.

Reasons

Character and appearance and heritage

4. Greenwich Park Street has 3 - 4 storey 19th century terraced housing on its west side with a regular pattern of fenestration and predominantly former commercial and community buildings on the east side. Immediately to the south of the appeal site is a 2 storey dwelling beyond which is the rear elevation of the 3 storey with undercroft Maze Hill Lodge apartment block fronting Park Vista.
5. The appeal site is within the Greenwich Park Conservation Area (GPCA), which comprises Greenwich Park and the Old Royal Naval College and areas of development to the north and east of the Park. The special interest of the GPCA lies in its exceptional historic, architectural and topographic importance. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
6. Nos 52 - 62 and 34 - 50 Greenwich Park Street date from the early 19th century and form a group identified as non-designated heritage assets on the Royal Greenwich Local Heritage List (RGLHL). The Edwardian former Royal Mail Sorting Office to the north-east of the appeal site is also identified as a non-designated heritage asset on the RGLHL, being described as of considerable townscape value.
7. The appeal site is a former car park largely hidden from view from the street by a brick wall. In its present condition it makes a neutral contribution to the character and to the appearance of the GPCA and to the setting of the non-designated heritage assets on Greenwich Park Street.
8. The front elevation of the proposed development would be approximately 10.3 m high to the eaves but approximately 13.4 m high to the ridge line of the element closest to the road. This would be significantly higher than either Maze Hill Lodge to the south of the appeal site or Nos 52 - 60 to the north.
9. The open spaces to both sides of the proposed building would afford a view of a substantial proportion of the bulk of the building from Greenwich Park Street. As a result, whilst not blocking the view along the street, the proposal would be a prominent and dominant feature in the streetscene. Its size and extension across the majority of the depth of the plot would be harmfully at odds with the predominant rhythm and pattern of development on the west side of the street.
10. The fenestration on the east elevation facing the street is acceptable, the rooflights would not be prominent given the height of the building and the slope of the roof, nor would the cantilevering be prominent as it would be at ground floor level and behind the proposed front boundary fence. However, the combination of square and vertical windows and balconies in the northern elevation relate poorly to each other resulting in an incoherent elevation. This elevation would also be at odds with the consistent proportions, form and spacing of the windows of Nos 52 - 60 and of Maze Hill Lodge.

11. As a consequence of its height and bulk and the treatment of the northern elevation, notwithstanding the contended reduction in scale and massing from the previously withdrawn proposal, the proposed building would be harmful to the character and appearance of the area. It would therefore fail to preserve or enhance the character or appearance of the GPCA or complement the character of the street.
12. Notwithstanding its bulk, the proposed building would not significantly obstruct views of the front elevation of Nos 52 – 60, nor would it obstruct views of the former Sorting Office. The building would be separated from Nos 52 - 60 by the railway line and from the former Sorting Office by Greenwich Park Street. It would not significantly affect the ability to appreciate the significance of these non-designated heritage assets. It would therefore not be harmful to the significance of these heritage assets.
13. Nevertheless, the proposal would conflict in respect of harm to the character and appearance of the GPCA and Greenwich Park Street with Policies 7.4, 7.6 and 7.8 of the London Plan² which, in combination, require high quality design that has regard to local character, architectural quality and development to conserve the significance of heritage assets.
14. The proposal would also conflict in this respect with Policies DH1, DH3 and DH(h) 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 quality of design and seek to protect heritage assets and their settings, including conservation areas. The proposal would also conflict in this respect with Policy H(c) v. of the Local Plan which seeks to maintain character. Although not cited in the decision notice, this policy is referenced within the Planning Officer's report.
15. Given my conclusions on the design of the proposed development, I find no support for the proposal from Policy H2 of the new London Plan, which requires Boroughs to actively support 'well-designed' new homes on small sites. However, Policy DH(a) of the Local Plan relates to residential extensions and is thus not relevant to this proposal.
16. The proposal would also not fully accord in respect of heritage with the intentions of the GPCA Appraisal. The proposal would also conflict in this respect with paragraphs 184 and 193 of the Framework which require the conservation of heritage assets in a manner appropriate to their significance and great weight to be given to the conservation of designated heritage assets. The level of harm to the significance of the GPCA would be less than substantial.
17. The proposal would align with the Government's objective to significantly boost the supply of homes and the policies of the Framework on using suitable brownfield sites, windfall sites and making efficient use of land. The proposal would have social and economic benefits. The site is in a location with good access to facilities, services and public transport which would reduce the need to use private cars. However, applying the balance required by paragraph 196 of the Framework, these public benefits would not outweigh the great weight that should be attached to the conservation of designated heritage assets.

² The Spatial Development Strategy for London Consolidated with Alterations since 2011 (2016)

Living conditions of the occupiers of neighbouring dwellings

18. Immediately to the south of the appeal site is No 66 Greenwich Park Street (No 66) whilst to the west is No 9 Thalia Close (No 9). The gardens of both properties abut the appeal site, with that of No 9 at a lower level than the appeal site. The upper floors of the central element of the proposed building would be set back from the front courtyard to No 66. However, the overall bulk of the building with the elements to either side of the central element abutting No 66 would substantially restrict the outlook from the courtyard.
19. Notwithstanding the set back of the proposed building from the boundary, the stepping down of the eaves and the angled north-west corner, the building would also present a substantial bulk to the garden and eastern elevation of No 9. This would be exacerbated by the lower level of No 9 relative to the appeal site. Accordingly, for both No 66 and No 9 the proposed development would be unacceptably overbearing and result in an unneighbourly sense of enclosure.
20. Furthermore, there would be views from the windows of the living / dining area for apartment 1.01 on the first floor over the garden of No 9 notwithstanding the inseting of the windows and the existing vegetation on the boundary between the site and No 9. More restricted views would also be possible from the balconies in the north-west corner for apartments 1.02 and 2.01. The proposal would thus result in an unacceptable loss of privacy for the occupiers of No 9.
21. The Daylight & Sunlight Study and Daylight Appeal Statement conclude that the proposal would result in loss of daylight to two of the first-floor windows of No 66 beyond Vertical Sky Component (VSC) criteria, but that the ground floor window and glazed doors in the eastern elevation of No 66 would be fully compliant with Building Research Establishment guidelines for VSC. All the internal rooms at ground and first floor level would still receive adequate daylight in terms of no-sky line (NSL) assessments / daylight distribution.
22. Although daylight to the northern glazed elevation of the rear extension at No 66 would be reduced by the proposal, daylight would still be available from the other glazed elevations notwithstanding the existing vegetation. Therefore, from the evidence before me, I am not persuaded that the reduction in daylight levels for No 66 arising from the proposed development would be unacceptable.
23. I therefore conclude that the proposed development would have an unacceptable effect on the living conditions of the occupiers of No 66 and No 9 due to its being overbearing and a loss of privacy for the occupiers of No 9. The proposal would therefore conflict in this respect 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.
24. The proposal would also conflict in this respect with Policy H(c) ii. of the Local Plan which seeks to prevent an unreasonable loss of privacy. Although not cited in the decision notice, this policy is referenced within the Planning Officer's report.

Living conditions of the future occupiers of the proposed development

25. From the evidence before me, all the proposed apartments conform with the Technical Housing Standards – nationally described space standard as adopted

in the London Plan. The internal configuration of apartments 1.02, 1.03 and 2.02 would be awkward due to the need to walk through the narrow kitchen areas to access the main living areas but not to the extent that this would justify the withholding of planning permission in itself.

26. However, notwithstanding the full height glazed doors to the garden area for bedroom 1 of apartment 0.02 and presumably the same for bedroom 3 of apartment 0.01, I consider that the degree of enclosure of these garden areas relative to their size would result in a poor level of daylight for these habitable rooms. For the same reason, these garden areas would also have an unacceptably restricted outlook, with that for apartment 0.02 providing the only external space for that apartment.
27. Whilst the overall balcony sizes for apartments 1.02, 1.03, 2.01 and 2.02 would be of the required standard, part of the balconies for apartments 1.02 and 2.01 would be very restricted in depth. Furthermore, all these balconies would be inset and face north or north-west which would restrict the amount of sunlight they receive. I therefore consider that these balconies would not be satisfactory.
28. No balcony is proposed for apartment 1.01 to avoid potential overlooking. The Mayor of London's Housing Supplementary Planning Guidance (2016) (the SPG) allows, exceptionally, the provision of additional internal space as a substitute for private open space where site constraints make it impossible to provide private open space for all dwellings. However, from the evidence before me, the required 5 m² of balcony space has been incorporated within the hallway of the apartment, which I do not consider to be a satisfactory alternative to an outdoor area. Neither do I consider the proximity of Greenwich Park to be an acceptable alternative to the total lack of any outdoor space for this apartment.
29. I therefore conclude that the proposed development would fail to provide satisfactory living conditions for the future occupiers of the apartments. Accordingly, in this respect, the proposal would be contrary to Policy 3.5 of the London Plan and Policy H5 of the Local Plan which require, amongst other things, housing developments to be of the highest quality internally and externally and of a high quality of design.
30. It would also conflict in this respect with the SPG which, amongst other things, encourages adequate daylight to internal rooms and external space to be of a practical shape and utility. However, I find no conflict with the Nationally Described Space Standard.

Other Matters

31. The appeal site is within the setting of the Grade II listed 1 - 12 Park Vista (Nos 1 - 12) to the south-east, which date from the 19th century and are of significance as a group. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of a listed building.
32. The appeal site is also within the setting of the East Greenwich Conservation Area (EGCA) to the north, a mainly residential area between the Old Royal Naval College, the Maze Hill railway cutting and the River Thames, notable for its variety of housing types. Additionally, the site lies within the buffer zone to the Maritime Greenwich World Heritage Site (the WHS), the key features or

“attributes” of the Outstanding Universal Value (OUV) of which include its architecture and the masterplan of buildings and designed landscape.

33. The appeal site makes a neutral contribution to the settings of Nos 1 - 12 and the EGCA and to the attributes of the OUV of the WHS. I have no evidence of any historical relationship between the listed building of Nos 1 - 12 Park Vista and the appeal site other than proximity. The proposed building would not significantly obstruct views of this listed building or to or from the EGCA, nor would it significantly affect the ability to appreciate the significance of these heritage assets. It would therefore preserve the setting of Nos 1 - 12 Park Vista and would not harm the character or appearance of the EGCA. The development would also not harm the attributes of the OUV of the WHS.
34. The principle of residential development on the site is acceptable and would help achieve the housing requirements of the Local Plan and Policy H1 of the emerging London Plan. The proposals would have a number of benefits as I have identified above. These matters weigh in favour of the proposal. The appeal proposal has evolved through discussions with the Council, the occupiers of neighbouring properties and local amenity groups. I acknowledge the support of The Friends of Greenwich Park for the proposal and the lack of objection from The Greenwich Society.
35. Representations have been made by an interested party to the effect that their rights under Article 1 of the First Protocol to the Human Rights Act 1998 would be violated if the appeal were to be allowed. However, as I have decided to dismiss the appeal, my decision would not lead to any violation.

Conclusion

36. The benefits of, the constructive approach towards, and support for the proposal are not sufficient to outweigh the harm I have identified to the substantive matters of heritage and living conditions above and the consequent conflict with the development plan and the Framework in these respects.
37. Therefore, for the reasons given above and having had regard to the other matters raised, the appeal is dismissed.

Martin Small

INSPECTOR