



## Appeal Decision

Site visit made on 24 November 2020

by **G Powys Jones MSc FRTPI**

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

Decision date: 08 January 2021.

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**Appeal Ref: APP/E5330/W/20/3251961**

**Former Blusher's Site, 37 McMillan Street, London SE8 3EZ**

- 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 Richard Marshall-Greaves against the decision of the Council of the Royal Borough of Greenwich.
  - The application Ref 20/0200/F, dated 20 January 2020, was refused by notice dated 31 March 2020.
  - The development proposed is the erection of a three-storey building comprising two 1-bedroom flats and one 2-bedroom flat, with associated works.
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### Decision

1. The appeal is dismissed.

### Main issues

2. The main issues are the effect of the proposed development on: (a) the character and appearance of its surroundings, and (b) on the living conditions of neighbouring and proposed occupants with particular reference to light, visual impact, privacy and space standards.

### Reasons

#### *Character and appearance*

3. The appeal site is a small area of land upon which a pub once stood. It sits next to a roughly rectangular shaped area of a verdant, well-landscaped public open space, which in townscape terms, acts as the neighbourhood's attractive centrepiece.
4. Development of different types border all sides of the park. To the west, between the park and Watergate Street, relatively modern low profile two storey housing has taken place in a series of cul-de-sacs. To the east are more established and taller blocks of flats. A low profile primary school caps the open space to the north, whilst to the south, fronting McMillan Street, stands a lengthy block of 4-5 storey flats. Part of the 5-storey element stands directly opposite the appeal site at a distance of around 8.0m.
5. It is apparent that the area's current layout emanates in part from a fairly recent, well-conceived redevelopment. The resultant pattern and juxtaposition of buildings and open space represents, to my mind, a successful example of urban land-use planning in an otherwise densely developed part of the City.

6. The proposed 3-storey development, which would occupy virtually the whole of the site, would take place very close to the entry to the neighbourhood from the busy Creek Road (A200), at a point where the attractiveness of the open space is first appreciated by passing residents and visitors.
7. The proposed block, in view of its scale, location and visual context, would be crammed onto its site and would appear over-dominant, impinging harmfully on openness and obliterating the pleasant views into the park enjoyed by passers-by, whether on foot, cycle or in cars. To my mind, the development's intrusive nature would represent the antithesis of good quality urban planning and would cause unacceptable harm to the well-balanced townscape that such planning has achieved.
8. Although subject of criticism by others, I have no particular objection to the detailed design of the proposal, which has attempted to overcome potential problems because of the restricted site, and it may well have proved acceptable in other circumstances.
9. I have also taken account of the site's history, including the fact that a 3-storey pub once stood on the site. However, the pub belonged to a different era when, judging from one of the appellant's submitted photographs, the nature of nearby development and even the street pattern were demonstrably different.
10. The appellant also attaches considerable significance to the outline planning permission granted in 2003 for the erection of a building<sup>1</sup> on the site. The permission was not implemented, and an application to renew the permission was refused 3 years later, so that the permission expired.
11. I also note the Swale appeal decision<sup>2</sup> of a generation ago referred to by the appellant, where the Inspector attached some weight to an unimplemented, expired planning permission. That case, however, is clearly distinguishable from that before me since not only have policies changed between 2003 and now, but the pattern of development has too, not least the erection of the block of flats opposite which was granted permission on appeal in 2007.
12. Accordingly, whilst these aspects of the past and planning history of the site are material considerations and have been taken into account, they attract little weight in my deliberations.
13. I therefore conclude that the proposed development would harm the character and appearance of the locality. A clear conflict thus arises with those aspects of policies 7.4 and 7.6 of the London Plan and DH1 of the Royal Greenwich Local Plan: Core Strategy (CS) that, in combination, require that development proposals should contribute positively to the improvement of the built environment and provide a positive relationship between the proposed and existing urban context.

#### *Living conditions*

14. The Council acknowledges that the flats, in terms of their gross floor space meet the standards set out in local development plan policy. It nevertheless considers that too much of the internal spaces in two of the flats is dedicated to

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<sup>1</sup> Not to exceed 3 storeys

<sup>2</sup> T/APP/V2255/A/85/026034/P4 dated 18 September 1985

circulation rather than living space, which would not, in its view result in the creation of '*a high quality living environment*'. The Council's objection on this score appears to me to be based on assertion or personal judgment rather than on the strict application of standards, and does not represent convincing evidence.

15. Because of the tightness of the site, the scheme lacks the private external amenity space required under the terms of local standards. However, the development stands next to a sizable park, which, in my view, would adequately compensate for the on-site deficiency, particularly since the flats are relatively small and are not designed to house families.
16. As already mentioned a block of flats stands opposite the site at a distance of just over 8m. The flats have an open aspect northwards, towards the park, and some have balconies. The appellant's design adequately safeguards against loss of privacy to the residents of the existing flats, and having regard to the appellant's submitted evidence on the issue, I am satisfied that the flats opposite would not lose sufficient sunlight or daylight as to cause unacceptable harm.
17. However, in view of the closeness to each other of the extant and proposed flats on opposite side of the street, there is no doubt in my mind that the proposal, if built, would be perceived as over-dominant and oppressive when viewed from several of the flats opposite, particularly those on the lower floors. The erection of the proposed building at such close quarters to the flats on the opposite side of the road would thus lead to substantial harm to neighbouring occupiers.
18. I therefore conclude that the proposed development would harm the living conditions currently enjoyed by the residents of several of the existing flats on the opposite side of the road by reason of adverse visual impact. Accordingly, a clear conflict arises with that provision of CS policy DH(b) which seeks to ensure that new development should not cause an unacceptable loss of amenity to adjacent occupiers.

### **Other matters**

19. I acknowledge that the scheme would assist in fostering local housing supply, and that the site is sustainably located. However, these aspects do not overcome the clear deficiencies of the scheme, as set out above.
20. I have taken into account the representations made by local residents. Not all of the residents' points, including the representations made in respect of local parking difficulties are supported by the Council.
21. However, the external environment of the nursery sited adjacent to the site would be materially affected by the development in view of the dominating impact of the scheme upon it at such close quarters. As a result the enjoyment of this facilities by its users is likely to be harmfully impaired. This adds to my other reasons for concluding that this is an inappropriate and un-neighbourly proposal.
22. All other matters raised in the representations have been taken into account, including the views of the Greenwich Society, but no other matter is of such

strength or significance as to outweigh the considerations that led me to my conclusions.

23. Accordingly, for the reasons provided above, the appeal is dismissed.

*G Powys Jones*

INSPECTOR