



Appeal Decision

Site visit made on 8 December 2020

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal Ref: APP/E5330/W/20/3255724

1 Prince of Orange Lane, Greenwich SE10 8JQ

- 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 Harneet Mangat against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/3266/F, dated 12 September 2019, was refused by notice dated 6 February 2020.
 - The development proposed is partial demolition of existing building, reconstruction and extended basement to provide 3 no 1 bed 2 person residential flats.
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Decision

1. The appeal is dismissed

Procedural Matters

2. The site lies within the West Greenwich Conservation Area (WGCA), which abuts The Ashburnham Triangle Conservation Area (ATCA). On this basis I conclude that the main issues should include consideration of the setting of the ATCA. The site is also within the Maritime Greenwich World Heritage Site (MGHWHS) Buffer Zone. As such, I have also included consideration of the setting of the MGHWHS in my reasoning.
3. Representations from occupiers of 199 Greenwich High Road have highlighted concerns in relation to light. Having concluded that this should be included as a main issue, and advising the appellant of that decision, the appellant undertook a light study. This has supported my reasoning.

Main Issues

4. The main issues are:
 - Whether the development would preserve or enhance the character or appearance of the WGCA, and the settings of the ATCA and the MGHWHS;
 - Whether the development would preserve the historic features including settings, of the Grade II listed Nos 199 – 213 Greenwich High Road (odd) and locally listed 191- 195 Greenwich High Road (odd);
 - The effect of the development on the living conditions of future occupiers with regard to amenity space;

- The effect of the development on the living conditions of occupiers of 193 – 195 Greenwich High Road in relation to outlook, and to 199 – 201 Greenwich High Road with particular regard to light; and,
- Whether the development would have adequate cycle storage.

Reasons

Heritage Assets

5. The urban form of the area around the site is dominated by 18th and 19th century terraces with varied scale, detailing and typology. There is a very high proportion of listed buildings, including the 20th century library with its distinctive tower.
6. The appeal site is a two-storey period brick building with hipped roof and tall chimney located on one side of the short narrow Prince of Orange Lane cul de sac. Its proportions and built form suggest a building of some age, albeit with a history of unsympathetic fenestration and maintenance.
7. The cul de sac's entrance is framed to the right by four pairs of early 19th century three-storey Grade II listed brick villas, known as 199 – 213 Greenwich High Road (Nos 199 – 213). To the left of the cul de sac is a short imposing brick three-storey 19th century terrace. These buildings, known as 191 – 195 Greenwich High Road (Nos 191 – 195), are locally listed and as such are non-designated heritage assets.
8. The buildings on the northern side of Greenwich High Road form a near continuous and impressive frontage. This is punctuated by the narrow cul de sac, revealing apparent openness and longer views to the rear.
9. In earlier times Prince of Orange Lane linked Greenwich High Road to Straightsmouth, now on the other side of the line and lined on both sides by modest period terraces. Views along the cul de sac from Greenwich High Road include this smaller scale building pattern with modern tower blocks beyond. The transition between the impressive frontages on Greenwich High Road to the smaller scale development to the north, is reinforced by the subservience of and more utilitarian form of the appeal building. It appears to reflect the evolution of Greenwich, when grand villas were built in prominent locations, with lesser development behind.
10. The DLR has removed much of the appeal building's former and immediate context. Nonetheless, it is visible in views from the Ashburton Triangle and its overall size and scale is consistent with the glimpsed views of Straightsmouth, seen at the end of the views down the cul de sac. I conclude that the significance of the WGCAs is derived from its historic fabric, and the mix of period buildings which includes ranges of fine period buildings which dominate the main road frontages as well as buildings of lesser architectural merit. There is also significance in the spatial relationships of the buildings to each other and the underlying road layout, which reflects a socio-economic hierarchy in built form and the town's evolution.
11. The entrance to the cul de sac sits at the highly engineered junction of Greenwich High Road and Greenwich South Street, at a point known as the Ashburton Triangle. This is also where the WGCAs abuts the ATCA. This has a similarly varied typology and high proportion of period buildings. I conclude

- that the significance of the ATCA is derived from its historic fabric and the relationships of those building with the underlying road pattern.
12. The street scene with its varied typology and period architecture also provides the setting and wider context for the listed Nos 199 – 213 and the locally listed Nos 191 – 195. The significance of these buildings is derived from their intact historic fabric and their relationship with each other, as well as with the main routes through Greenwich which provided public visibility.
 13. The site also lies within the MGWHS Buffer Zone, which is an area designed to protect the setting of the MGWHS. I experienced glimpsed views of the Naval College's domes above buildings when I walked to the site and conclude that the significance of the Buffer Zone is to protect the character and appearance of the MGWHS.
 14. The development would subsume the appeal building into a three-storey flatted development with a rather bland and modern style design which would nonetheless reference the symmetry and materials of the nearby Georgian villas to some extent. It would be separated from No 195 by a single storey extension. Three storey terraces are commonplace in the area and in this respect the development would not be out of keeping. However, the development would be hard against the very narrow footway and the projecting balconies would be a prominent feature and one highly incongruous with the flat elevations of the nearby Georgian terraces.
 15. Moreover, the development would result in the loss of a building which reflects the town's evolution and which marks the transition between the impressive villas and frontages lining the key thoroughfares through the town and the lower status building pattern immediately to its north.
 16. I appreciate that much of the appeal building's former context and setting has been removed through the building of the DLR. Moreover, it is the case that it has not been locally listed even though other buildings in the area have been. Nonetheless, I see no reason why more modest buildings should be precluded from making a positive contribution to conservation areas. In this case the appeal building's overall form, scale and location contributes to significance rather than its historic fabric. It is a remnant of the earlier town layout and contributes to the understanding and appreciation of the town's history. Even if there are structural issues this does not necessarily warrant its replacement with a much larger structure.
 17. In the light of the above, I conclude that the development would fail to preserve or enhance the character or appearance of the WGCA, as well as the setting of the ATCA. This would amount to less than substantial harm.
 18. Although the development would be seen in the context of the listed buildings, their significance is primarily their historic fabric and their frontages. The development would be lower in height. However, the projecting balconies would be incongruous in this setting. Although the building would otherwise have a neutral effect on the listed and locally listed buildings, the balconies would be intrusive. I conclude that on this basis the development would have an adverse effect on the significance of the listed and locally listed buildings and would fail to preserve their settings. This would also amount to less than substantial harm.

19. I am satisfied that the development would not have a significant adverse impact on the character and appearance of the MGWHS Buffer Zone.
20. The heritage statement sets out that the appeal building is built in more modern times and is modern in nature, but there is nothing to support this assertion. The building's typology and materials suggest a building of 19th century construction and the 1866 map shows frontages lining both sides of Prince of Orange Lane. My observations and conclusions in relation to its age lead me to conclude that the appeal building was part of that frontage. That the building might be run down is not particularly determinative.
21. Paragraph 196 of the National Planning Policy Framework (the Framework) states that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimal viable use. However, partial demolition would not secure the building's optimum viable use.
22. There is an extant permission for two flats within the existing envelope. As such the net benefit of the development to weigh against the harm identified in relation to heritage assets and living conditions, would be one additional one bedroomed flat. There is nothing before me to indicate that it is not suitable for the use previously allowed, and this small public benefit would not outweigh the harm I have identified.
23. The development would be contrary to the provisions set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act. It would also be contrary to the design aims of Policy DH1 of the Local Plan (LP), as well as LP Policies DH3, DH(h), DH(i) and Policy 7.8 of the London Plan (LOP). These taken together are concerned with the protection and enhancement of heritage assets and non-designated heritage assets.
24. The development would also fail to accord with the design aims of LOP Policy 7.4, and LOP Policy 7.6 which requires architecture to make a positive contribution to the public realm.

Amenity space

25. LP Policy H5 sets out that flatted accommodation should have a good sized balcony or enclosed communal garden. Although the first and second floor flats would have a balcony the ground floor unit would not have any private outdoor space. I appreciate that there would be an enclosed area outside the entrance but this would be the refuse storage area for the development and as such I give little weight to its amenity value for future occupiers.
26. I appreciate that there would be additional internal floor space to compensate, in line with the SPG¹, but the SPG is guidance and I give greater weight to the relevant local policy.
27. The Council also raises a concern in relation to the visibility of the balconies and to some extent I agree that people on the projecting balconies would be very visible as a consequence of their glass sides and proximity to the road and No 199. However, the sides of the balcony could be faced in alternative materials and in the absence of other concerns I would not find this carried particular weight.

¹ Housing SPG London Plan 2016

28. As such the development would fail to provide adequate amenity space for future occupiers, which would be detrimental to their living conditions. This would be contrary to LP Policy H5, as set out above, and LOP Policy 3.5 which requires housing development to be of the highest quality internally and externally. The decision cites LP Policy DH(a) but this is concerned with residential extensions and as such weighs neither for nor against the appeal.

Outlook and light

29. Numbers 193 and 195 are to the immediate south of the appeal site and their living accommodation has windows on the rear elevations at second floor level. Currently these rooms have views out broadly above the appeal building's hipped roof and ridge. The development would be between 2 -3 metres higher than the ridge of the existing building and would also have a flat roof introducing greater height and bulk. It would therefore partially obstruct and enclose those views at a distance of around 3 – 3.5 metres.
30. I give no weight to the argument that the development's envelope is unchanged from the 2014 permission as the current proposal's envelope is bulkier and closer to Nos 193 – 195 than what was previously proposed. In any case this is not an extant permission.
31. The sunlight assessment notes that the rear garden at No 199 fails to meet the current recommendations for sunlight, and that this situation would be aggravated by the development. I am unclear why the appellant considers this acceptable or what the mitigating factors are. The fact that the garden already receives inadequate sunlight leads me to conclude that the harm caused by the development should be given greater weight.
32. I also note that a shadow survey has not been undertaken as the study argues it would be subjective. However, a comparative shadow analysis has been submitted by interested parties. In the absence of a conflicting shadow survey and based on my observations of the relative height and orientation of the development and No 199, I conclude that the development would cause significant overshadowing compared to the current position. This would be detrimental to the living conditions of occupiers of No 199.
33. Numbers 199 and 201 Greenwich High Road have windows to the stairwell and bathrooms on their side elevations. The light survey indicates that on the basis of the Vertical Sky Component assessment there would be a reduction in light levels above the recommended threshold for the ground floor bathroom only. The reduction in light for other windows at No 199, and at No 201 would be marginal.
34. The development would not encroach into outlook from the rear elevations of these buildings except in oblique views.
35. I conclude that the development would have an adverse effect on the living conditions of occupiers of Nos 193 and 195 in terms of outlook, and of occupiers of No 199 in terms of light. It would therefore be contrary to LP Policy DH(b) which is concerned with the protection of amenity for adjacent occupiers. The decision cites LP Policy DH(a) but this is concerned with residential extensions and as such weighs neither for nor against the appeal.

Cycle storage

36. The cycle storage would be at basement level and accessed from a U-shaped stairwell. Although this is not ideal the appellant has suggested two alternatives which would be preferable to no storage at all. I see no reason why these alternatives could not provide an element of storage and they could be required through condition.
37. The Council's argument that this would lead to unused space within the development if it was not used for cycle storage seems rather spurious. I see no reason why additional storage within a flatted development should be seen as harmful.
38. I conclude that the development would have adequate cycle storage and would not be contrary to LP Policy IM(b) which requires development to provide for cyclists through the provision of cycle parking, and LOP Policy 6.13 which requires development to adhere to minimum cycle parking standards.

Other matters

39. The appeal statement lists a long planning history for the site, including a permission in 2014 for the partial demolition and replacement of the existing building with flatted accommodation. However, whatever the merits of those earlier proposals it remains that they were considered before the Local Plan was adopted and before the current Framework. They were therefore considered in a different planning context and also had design differences. The previous permission has expired and carries no weight in relation to this appeal.
40. Paragraph 11 of the Framework is only engaged where the policies most important for determining the application are out of date. There is nothing before me to suggest that that is the case. It is also the case that even if Paragraph 11 were to be engaged, other policies within the Framework, namely those pertaining to heritage assets, would give clear reasons for refusal. In any case, Paragraph 12 sets out that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Conclusion

41. In the light of the above, I conclude that the development would be contrary to the Act, national guidance and relevant local policies and that the appeal should be dismissed.

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INSPECTOR