



Appeal Decision

Site visit made on 8 September 2021

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2021

Appeal Ref: APP/E5330/W/20/3263536

11-15 Highbridge Wharf, Greenwich SE10 9PS

- 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 David Emery against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 20/0783/F, dated 5 March 2020, was refused by notice dated 12 November 2020.
 - The development proposed is the partial demolition of existing building and construction of four-storey building with commercial space at the ground floor and 5 x 1 bed flats above.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The National Planning Policy Framework (the Framework) was revised during the course of the appeal's determination. Both parties were given the opportunity to comment on any implications for the appeal.

Main Issues

3. The building stands in the East Greenwich Conservation Area (CA) and within the buffer zone of the Maritime Greenwich World Heritage Site (WHS), and within the setting of the listed buildings Trinity Hospital; the Lodge to Trinity Hospital; and the front boundary wall of Trinity Hospital. Greenwich Power Station, which stands to the east, is a locally listed building. The grade II registered park and garden of special historic interest, Island Gardens, acquired to retain public views towards the WHS, lies on the opposite bank of the river. The Council did not object to the reduction of space in use class B1, and I have no reason to disagree with its conclusion in this respect. Therefore, the main issues in this appeal are:
 - A. whether the development would preserve the key attributes of the WHS, and the settings of the other heritage assets described above;
 - B. whether the development would preserve or enhance the character or appearance of the CA;
 - C. the effect of the development on the pedestrian environment; and,
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- D. the effect of the development on the living conditions of the occupiers of 10, 14, and 18 Highbridge Wharf, with particular regard to daylight.

Reasons

The significance of the heritage assets

4. Largely undeveloped until the C17, East Greenwich grew rapidly following the construction of roads in the C19. It includes a variety of housing from Georgian terraces and Arts and Crafts houses, to social housing by both London County Council and the Greater London Council, and what the Council's Conservation area Appraisal¹ describes as 'distinctive housing and flats built close to the river at Highbridge Wharf', encompassing the appeal site.
5. Two industrial remnants of the former riverside activity dominate the space to the east of the appeal site. Alongside the coal jetty pier, the landmark chimneys of the turn of the century, locally listed Greenwich Power Station pierce the skyline in distant views. The chimneys, rising like spires above the nave-like machine halls, give the building an ecclesiastical character, a powerful analogue to its neighbour, Trinity Hospital, a grade II* listed building.
6. These early C17 alms houses were rebuilt in the early C19 with delicately arranged Revival references such as pinnacles, crow-step gables, battlements, and a tower, their scale more picturesque and their delicate detailing more romantic than the Gothic they suggest. The mid C19 West Lodge, a grade II listed building, which stands almost opposite the appeal building, has an isolated, cottage-like character, and continues the detailing of the main building, which together with the early C19 front boundary wall, also a grade II listed building, form an elegant group of architecturally distinctive and historically important buildings.
7. The richness of the architecture of the CA, which includes these and numerous other listed buildings, reflects its historical development and the unique circumstances of its location. Though the buildings of the CA differ typologically and architecturally, there is a coherence between their sympathetic forms and scales, part of the fragile balance of the riches of its significance.
8. The attributes of the WHS, a heritage asset of the highest significance, which convey Outstanding Universal Value include the symmetry of the buildings and the grand axis as well as the relationship of individual buildings forming a whole. Particularly relevant to this proposal is the deliberate relationship of the WHS buildings to the Thames, their visibility, as well as the silhouette of buildings and landscape, and the approaches along the riverside paths particularly from the east, which allow views of the whole WHS.

Main Issues A and B: The CA, the WHS, and other heritage assets

9. The river side: The present building is visually anchored against its taller, adjoining neighbour, which also projects substantially beyond the appeal

¹ East Greenwich Conservation Area Appraisal, Greenwich Council, 2013

- building, into the river. Its upward extension to the same height as this anchor would bring an equilibrium between these two masses.
10. I appreciate that this building, and its counterpart at the other end of the terrace, form 2-storey, industrial appearing bookends. However, given the interruption of the more recent, longer, taller residentially-detailed building between them, their symmetry of form, height, and detailing now appears more a townscape happenstance than a fragment of a set-piece of calibrated architectural balance.
 11. In the public views from Island Gardens, the registered park and garden on the opposite bank of the river, a very small section of view of the eastern extent of Trinity Hospital, and a small section of view of the CA hinterland would be lost. However, given the distance involved, the extent and nature of the lost portion of view, and the substantial unaffected view of buildings remaining, I do not find the greater silhouette of the proposal in long views harmful. So too the views towards the WHS, from along the riverside paths to the east of the site, would not, given the height of the adjoining building, be materially diminished or interrupted by the end elevation of the proposal.
 12. In closer views from the river, the distinct, repeated form of the cleanly-edged pitched gables of the proposal would present a strong skyline. The vertical emphasis given by these, together with the façade articulation, the vertical proportions of the windows in the central pair of riverside bays, and the step down of the last riverside bay of the riverside elevation would give the building a narrow grain and a subtle, vertical character.
 13. While I think the horizontal emphasis from the base line stop of the textured brickwork in the higher sections may work against the rhythm of the rest of the proposed riverside elevation, the overall effect would reflect the characteristic forms of the Hospital tower and its tall, almost teetering chimneys as well as the more masculine, giant order, tapering, octagonal chimneys of the Power Station. The lower height of this closest bay to the Hospital would retain a sensitive deference to the taller gable end of its neighbour, and avoid any domination of the Hospital Lodge.
 14. The detailing and materials on the riverside front suggest a restrained, neutral warehouse brickwork aesthetic, not out of place given the bearing of the Power Station on the site and the industrial character of its architecture. The riverside elevation would introduce interesting textures and modelling, while avoiding any competition with the Gothic Revival detailing of the Hospital.
 15. The riverside elevation and views of it would change, but I find no harm to the sensitive settings of the historic buildings around it, nor to the attributes of the WHS. Neither would there be any harm to views from Island Gardens on the opposite bank, nor any harm to views of this registered park and garden in which the proposal may feature.
 16. The land side: The free end of the building encloses the small area of open space between the river wall and the Trinity Hospital wall. This space has a semi-formal character, with its symmetrical arrangement of public benches set upon raised plinths overlooking the river. I saw it was popular with people

- pausing to enjoy the space, and busy with people passing through it, along the Thames Path.
17. Save for the roof form of the building discussed below, the introduction of openings in this end wall, particularly the entrance to the commercial unit on the ground floor, would increase the potential for activity in a rather uninviting corner of the public space. The openings would provide natural surveillance to this area which is not greatly overlooked, and appeared to have a CCTV camera at the opposite end from this building.
 18. The parapet detail continued from the riverside elevation and the arrangement of openings and their detailing would be sensitive to their surroundings. The overall effect of the change in this end elevation would be a positive one on people's enjoyment of the open space beside.
 19. Notwithstanding this, the elevation facing the passage section of Highbridge Wharf has a complicated terracing roof form and is less successful. The first two storeys would have a regular character of rectangular openings set in a brick wall rising from the back edge of footway. These elements would give the elevation a human scale. Given the height of the adjoining building, and the buildings opposite, the overall height of the proposal, read from this side, would not appear out of place.
 20. However, the modern buildings enclosing the passage section of Highbridge Wharf tend not to conceal their height. They instead present a layered play of plain, pitched forms at roof level. Their articulation animates the space in the passage. In the context of the dramatically articulated pitched roofs and high-level walls and bays of the buildings opposite and beside this one, the proposed mansard roof at second floor, tiled as a roof but sufficiently steep to read almost, but not quite, as a wall, avoiding the exposure of being returned and instead being concealed by the end wall of the building, would appear a weak, uncharacteristic compromise of a form.
 21. The combination of the set-back, brick-wall-enclosed third floor sitting on the mansard roof would introduce an uncharacteristic amalgamation of forms and stepping along the length of the passage elevation which would appear architecturally unresolved and visually incompatible in the roofscape of the CA, or as the Council more succinctly described it, as additional bulk.
 22. I appreciate that the mansard and the stepping have come about from an effort to soften impacts. However, in my view, this has weakened the architectural integrity of the whole roofscape. The introduction of a section of such alien roofscape would harm the townscape of the CA. I have taken into account that there are steps at roof level in the neighbouring buildings and the CA has a variety of roof forms, however, they tend to avoid the uncharacteristic, anti-contextual, combined effect here from the mansard and the stepping above it.
 23. I acknowledge that the Framework supports using the airspace above commercial premises for new homes. However, it stipulates that this is where the development is consistent with the form of neighbouring properties; not the case in this proposal. I acknowledge the place for innovative design, and appreciate the creative sensitivity of the riverside and open space elevations of

the proposal. Nonetheless, the creation of beautiful buildings, rather than mostly beautiful buildings, is a fundamental aim of the planning process, recognised in paragraph 126 of the Framework. Because of the mansard roof form and the stepping above it, and its prominence within the CA, the appearance of the CA would not be preserved.

24. Highbridge Wharf passageway section: I have carefully considered the evidence submitted on behalf of the residents of Highbridge Wharf, in particular the comparison of street profiles. I appreciate that the street profile would change opposite the proposal. However, when taking into account the build-outs of the recent housing development on both sides of the adjacent section of passageway, and the slope of the second-floor mansard in the proposal, the difference in the ratios of the height to width in the two sections would not be so great as to harm the balance between the enclosing effect of buildings and the space in the passageway.
25. I recognise the greater height of the proposal compared to the 2-storey Hospital Lodge; however, these two buildings do not stand in the same plane. In fact, there is no building directly between the Lodge and the river to form an enclosure that could be subject to change. I find no harm in terms of the street profile of the proposal.
26. Conclusion A; WHS and other heritage assets: Given the localised effect of the part of the building which I have found harmful in townscape terms, there would be no harm to the key attributes of the WHS or its Outstanding Universal Value, and no harm to the views from the registered park and garden. Neither would there be any significant adverse impact on the settings of the locally listed Greenwich Power Station, and the listed buildings next to the site and described above, nor those further along the riverside including, the Curlew Rowing Club, the Trafalgar Tavern, and the posts and railing to the riverside terrace.
27. There would be no conflict with London Plan 2021 policies HC1 and HC2 which require development in the buffer zones of World Heritage Sites to conserve their Outstanding Universal Value and the significance of their attributes, and for proposals affecting the setting of heritage assets to conserve their significance. Neither would there be conflict with policies DH1, DH3, and DH(i) of the Royal Greenwich Local Plan Core Strategy with Detailed Policies 2014 (Local Plan) which protect the settings of heritage assets, nor with the Framework which in paragraph 200 recognises the potential for harm to the significance of a designated heritage asset including from development within its setting.
28. Conclusion B; the CA: Nonetheless, for the reasons above, the proposal would undermine a key element of the significance of the CA and harm its appearance, to the desirability of which the Act requires that special attention be paid. I have found no harm to the CA from height or enclosure, and I have taken into account the positive aspects of the creative architectural response of the proposal, in particular the visual interest and sensitivity of the riverside

elevation, the positive relationship of the openings onto the open space beside the building, and the lower levels of the passageway elevation.

29. These positive design factors, however, would not mitigate the harm I have identified from the roof form. Overall, the proposed development would fail to preserve the appearance of the CA. It would conflict with policies HC1 and D3 of the London Plan 2021 which require development affecting heritage assets to conserve their significance by being sympathetic to the asset's appreciation within their surroundings, and to enhance local context by responding to local distinctiveness through appearance and shape and forms, and use architectural features that contribute towards the local character. It would run against Local Plan policies DH1, DH3, DH(h), and DH(i) which require high quality design, and which protect heritage assets and their settings, and expect development to take account of existing townscapes and the architecture of surrounding buildings.
30. It would also be at odds with the Framework which indicates in paragraph 130 that developments should be visually attractive as a result of good architecture and should be sympathetic to local character including the surrounding built environment. The overall effect of the development would be to undermine the coherent identity of the place, which is a key characteristic of place set out in the National Design Guide, which makes this area distinctive and gives it its historic and architectural significance.

Main Issue C: The effect on the pedestrian environment

31. I understand the Council's concern over the feel of the space between the buildings facing each other in this section of Highbridge Wharf, and the risk of a canyon effect from raising the appeal building. However, the effect of enclosure from this proposal would be little different to the recent development adjoining this building, in this same section of street. Moreover, the open space beside the building, which is at the end of the enclosed section of street, tends to lift the feeling of enclosure beside this building, within this section.
32. I cannot find any harm to pedestrians from a sense of over enclosure from the proposal, nor any aspect within it that may overbear on this section of the passage or the open space at its end. There would be no conflict with London Plan policy D3 which requires development to achieve outdoor environments that are comfortable and inviting for people to use as well as being safe, secure and inclusive, nor with Local Plan policy DH1 which requires development to take account of movement and circulation for pedestrians to provide a positive relationship between the proposed and existing urban context.

Main Issue D: The living conditions of surrounding occupiers

33. The residents of Highbridge Wharf have objected to the proposed development because they consider that it would reduce unacceptably the light reaching rooms in 10, 14 and 18 Highbridge Wharf.

34. Both the appellant and the residents of Highbridge Wharf have referred to the BRE guidance². In this, the amount of skylight falling on a window is measured using the vertical sky component (VSC). The VSC is the ratio of the direct sky illuminance falling at the centre of a window to the simultaneous horizontal illuminance under an unobstructed sky. The maximum value for a completely unobstructed vertical wall is almost 40%. If the VSC is greater than 27%, then enough skylight should reach the window. Any reduction below this level should be kept to a minimum. If the VSC is both less than 27%, and less than 0.8 times its former value, then the guidelines suggest that the occupants of the building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear gloomier.
35. 10 Highbridge Wharf: The residents of Highbridge Wharf calculate³ that the VSC of the two windows serving the bedroom at first floor would be reduced from 30% to 24% and from 27% to 23%, equating to VSCs at 0.80 and 0.86 times their former values. While I acknowledge the reduction in VSC, in both cases the reductions would not be greater than 0.8 times their former value, and the room is lit by two windows rather than one. The reduction in skylight reaching the room would not be so adverse that the living conditions of the occupiers would be harmed by a significant degree.
36. 14 Highbridge Wharf: The open plan living room and kitchen space on the second floor is served by eight windows. The VSC of four of them would be reduced from 37% to 26%, from 35% to 23%, from 34% to 22%, and from 33% to 23%, new VSCs equivalent to between 0.66 and 0.70 times their former values. While the reductions in the VSCs of these windows are noted, the losses would be offset by the other four windows, which pass the VSC test, including a skylight the new VSC of which would be at 0.99 times its existing value. Given the number of windows serving the space, and their different orientations, the effect of the proposed development on these occupiers' living conditions would not be harmful.
37. 18 Highbridge Wharf: The living room is served by seven windows. The VSC of three of them would be reduced from 26% to 20%, from 25% to 19%, and from 24% to 17%, equating to VSC reductions of between 0.71 and 0.79 of their former values. Again, given the number of windows serving this same space which comfortably pass the VSC test, and their different orientations, the effect of the proposed development on these occupiers' living conditions would not be harmful.
38. The bedroom is served by four windows. The VSC of three of these would be reduced from 21% to 15%, 20% to 15%, and 21% to 15%, equating to VSC reductions of between 0.71 and 0.73 times their former values. I appreciate that the area lit by these 3 windows, on their own, may appear gloomier.

² Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice, PJ Littlefair, 2011, Building Research Establishment Press

³ Daylight & Sunlight Report Highbridge Wharf 17 April 2021 by MES Building Solutions

However, given that the VSC of the fourth window lighting the same space would retain a VSC at 0.97 times its former value, and that the space is a bedroom rather than a living room, I do not find that the living conditions of the occupiers would be materially harmed.

39. The BRE guide indicates that where room layouts are known, the impact on the daylighting distribution can be found. It says that if the no sky line moves so that the area of the room which receives direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit.
40. The Daylight & Sunlight Report submitted on behalf of the residents of Highbridge Wharf includes daylight distribution assessments. However, it is unclear precisely how the assessments were made, the report indicating initially that the assessment is based on 3D laser scan internal surveys of neighbouring properties and later that the internal layouts of rooms adjacent to the development have been estimated. In any event there are no drawings included to show the room layouts.
41. So too the appellant's daylight distribution assessments are based on drawings which have not been submitted. Without any drawings of the layouts of the rooms under consideration, I cannot fully consider the daylight distribution results of either party, or draw complete conclusions on the effect of the proposal on daylight distribution within the indicated rooms. This limits the weight I can give to both these parties' conclusions about daylight distribution.
42. Notwithstanding this, the residents' report points to two habitable rooms failing the BRE test. The no sky line of the first-floor bedroom of 18 Highbridge Wharf would move to the point that the area which would receive direct skylight would be 0.57 of its present value. The area of a room in the alms houses receiving direct skylight, the use of which is unidentified, would be 0.76 of its present value.
43. I appreciate that these figures indicate that more of each room may appear dark and gloomy compared with the rest of the room. However, the reduction in the alms house is only marginally below the guideline threshold. The reduction at No 18 would be greater. The BRE Guide suggests that this guideline needs to be applied flexibly and sensibly and that if an existing building contains rooms lit from only one side and greater than 5m deep, then a greater movement of the no sky line may be unavoidable. I have no drawing to indicate the layout of No 18, however, its position opposite the appeal site suggests that if the appeal site were to be developed to the same height as its neighbour, which given its tight urban context I find no in-principle harm in terms of character or appearance, then a degree of compromise on the guideline value is inevitable. I return to this in the conclusion below.
44. I have noted the Highbridge Wharf residents' objection to the alternative 'mirror image' target values suggested by the appellant. However, as I have

considered the residents' own report, while having regard to the appellant's figures based on the uncontentious methodology, this alternative method has not been a factor in my decision.

45. Overall, only a limited number of windows would be affected by the proposed development and the loss of light would be only marginally outside the BRE guidelines. In each case, the affected rooms have other sources of light. I recognise too that the area of one room would have a noticeable reduction in the area receiving direct skylight.
46. However, the Framework in paragraph 125 says that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). The BRE Guide too says that its guidelines should be interpreted flexibly.
47. The context of this development, which here is a narrow, historic thoroughfare lined by buildings along the back edges of a single, narrow passageway between them, in the centre of a historic section of a capital city, also has a bearing on the application of the guidelines. The context also includes a substantial section of neighbouring dwellings in Highbridge Wharf on the same side as those opposing the development which presently stand opposite buildings of a similar height to this proposal. Given all these factors, the findings of the residents' daylight and sunlight report, an amenity issue to which I note that the Council raised no objection, do not count against the proposal.
48. I appreciate that the airspace above first floor level would be developed in this proposal. However, in this urban context, the additional floors, with obscured glazing, and the third floor which would be set substantially back, would not reduce the outlook from the rooms of the dwellings opposite by an unacceptable degree, nor compromise the privacy of their occupiers.
49. I conclude on this issue that in the particular urban context of this proposal, there would be no material harm from the proposed development to the living conditions of the occupiers of 10, 14, and 18 Highbridge Wharf, with particular regard to daylight. There would be no conflict with London Plan policy D6 which requires that development should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context. Nor would there be conflict with Local Plan policy DH(b), which protects adjacent occupiers from an unacceptable loss of amenity.

Planning Balance

50. The Framework describes heritage assets as an irreplaceable resource, that should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 199 of the Framework advises that when considering

the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets.

51. Given my finding above, I find the harm to the CA to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
52. I acknowledge that the development would bring 5 new flats in a sustainable location in an area where there is a pressing need for housing. This attracts significant weight as a public benefit. The use of brownfield land for homes is recognised and given substantial weight, in accordance with paragraph 120 of the Framework, especially here, where the site would be more effectively utilised, the commercial space modernised, and where there is no objection to the mix of uses proposed.
53. I recognise the improvement to the area of open space which the proposal would bring. Future occupiers would spend in the local economy and support local services. Construction of the proposals would bring more short-term economic benefits too, from employment and the commissioning of services. The development would also improve the present surface water run-off rate, and the volume of attenuation within the site.
54. These public benefits do not, however, outweigh the harm identified above to the significance of the CA, a designated heritage asset, to the conservation of which the Framework indicates great weight should be given, and to the desirability of the preservation of the appearance of which the Act requires that special attention be paid.

Conclusion

55. I have found no harm from the proposal to the living conditions of surrounding occupiers, and no harm to the pedestrian environment. The development would bring all the public benefits described above. Notwithstanding these, the development would fail to preserve the appearance of the CA, which harm is not outweighed by public benefits. I conclude therefore that the proposal would fail to satisfy the requirements of the Act, paragraph 197 of the Framework, and it would not be in accordance with the development plan when read as a whole. For the reasons given above, the appeal is dismissed.

Patrick Whelan
INSPECTOR