



Appeal Decision

Site Visit made on 12 October 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2021

Appeal Ref: APP/E5330/W/21/3274745

Part of Former Booker Cash & Carry, 37 Greenwich High Road, Greenwich SE10 8JL

- 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 Trademark Group against the decision of Royal Borough of Greenwich.
 - The application Ref 21/0120/F, dated 5 January 2021, was refused by notice dated 16 March 2021.
 - The development proposed is construction of a six-storey building comprising office space at ground floor and 5 self-contained flats on the upper floors, together with associated refuse and cycle parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In an attempt to overcome some of the Council's objections the appeal has been accompanied by revised drawings showing additional cycle parking provision and a Daylight and Sunlight report. Although this represents new information that the Council did not have before it when it determined the application, it does not substantially alter or change the scheme, while the Council have had the opportunity to comment on the information as part of the appeal consultation. Accordingly, I have accepted this new information and will assess the scheme on this basis.
3. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework 2021). Comments were sought from the Council and the Appellant. I have considered the appeal on the basis of the revised Framework.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area, having particular regard to the significance of designated and non-designated heritage assets;
 - the effect of the proposal on the living conditions of the occupiers of No 27 Greenwich High Road, with particular regard to sunlight; and
 - whether adequate cycle parking could be provided.

Reasons

Heritage

5. The appeal site is in close proximity to listed and locally listed buildings. It is outside but adjoins the Ashburnham Triangle conservation Area (CA). In respect of listed buildings, I have a statutory duty to pay special regard to preserving their setting.

The significance of heritage assets

6. The appeal site forms part of a gap in the street frontage along Greenwich High Road, between two private accesses that serve the adjoining buildings in the frontage, namely, Nos 25-27 Greenwich High Road (Nos 25-27) and the end of terrace locally listed building, No 21 Greenwich High Road (No 21).
7. No 21 is an elegant three-storey Georgian building which derives its special interest from its simple form, traditional stock brick elevations and symmetrical sash windows. It is the end property in a predominantly three storey terrace located on the corner of Deptford Bridge and Greenwich High Road. Those adjoining properties include the locally listed No 17 Greenwich High Road, a former public house with a distinctive pediment roof and rendered frontage. This pair of locally listed buildings, along with the other properties in the terrace, help to reinforce the historical character and scale of this part of the street.
8. The site's rear boundary abuts the flank wall of the south wing of Mumfords Grain Silo (Grade II listed), a large former industrial building with a primary elevation facing Deptford Creek to the north. It is set back from Greenwich High Road, although visible through the gap in the street created by the appeal site. This imposing building is characterised by symmetrical sash windows and outer walls constructed in London Stock brick. The building's special interest is derived from its scale, traditional materials and detailing, and its association with the area's industrial heritage.
9. The appeal site, although somewhat harsh in appearance and used for the parking of vehicles, is a largely undeveloped space that opens up the frontage. This allows for views from the street and surrounding properties of the listed grain silo and No 21 to be appreciated. Planning permissions exist at the site that would develop the gap in the road frontage with a tall mixed-use building¹. Should any of those permissions be implemented, the existing views of the listed grain silo and locally listed, No 21, would be diminished.
10. Nonetheless, the approved buildings would be set below the taller rear wing of the grain silo, allowing its upper portion to be viewed from the Greenwich High Road. In the context of the No 21 and the traditional terrace buildings to the south, the appeal building would maintain a short separation distance from No 21's flank wall. Although the approved building is a taller, more modern structure, it would roughly align with the frontage of No 21 and be of a scale that would allow a visual understanding and appreciation of the adjacent heritage assets. The appeal site, therefore, makes a positive contribution to the significance of the listed and unlisted buildings.
11. The adjacent listed and locally listed buildings are located within the CA. The historical character of these and other buildings within the CA support its townscape identity which is mainly derived from unpretentious Georgian and

¹ Application Refs - 19/1061/F, approved 14.07.2020; 20/2794/NM, approved 06.10.2020; and 20/2194/MA, approved 15.12.2020

Victorian buildings. The appeal site is outside but adjoins part of the CA's western boundary. The proximity of the appeal site to the CA allows it to be experienced. Although the development of one of the approved buildings at the site would reduce the views into the CA, those schemes would continue the alignment of the roadside frontage and be of a scale and appearance that would allow the historic and industrial qualities of the CA to be understood and appreciated. The appeal site therefore makes a small albeit important contribution to the setting of the CA, from which it derives some of its significance.

The effect on the setting of the listed building, non-designated heritage assets and on the CA

12. The proposed additional storey, would according to the Council, result in a 3m increase in height above that of the five-storey building previously approved at the site. Although the additional storey would be set back behind a roof parapet, the increase in the building's vertical scale would nevertheless be noticeable from Greenwich High Road and surrounding properties. The proposed building would have a slender width and a deep rearward projection, and when combined with the additional storey would have a peculiar and disproportional profile in the context of its surroundings. The gaps formed by the access drives either side of the proposal would increase its visibility in the street, and accentuate its architectural discordance, in the frontage, particularly in how it would relate to the scale, massing and appearance of No 21 and the historic terrace it adjoins.
13. From Greenwich High Road and from within buildings oriented towards the southern elevation of the listed grain silo, the proposal's increased height would further obscure the rear wing of that listed building and diminish its appearance and historical importance from those vantage points.
14. Due to its distance further along the terrace, No 17 would maintain a greater separation from the proposal. Therefore, it would not have the same immediacy and awkward juxtaposition in relation to it. As a result, I do not consider that the special character of that locally listed building would be harmed.
15. The appellant's case refers to the proposal resolving the current undeveloped gap in the Greenwich High Road frontage. Whilst this would be the case, it would do so through the development of a discordant building that would harm the character and appearance of the surrounding heritage assets. And in any case that argument is weakened somewhat by the existence of prevailing planning permissions to develop a building on the site.
16. For the reasons set out above, the building would be an obvious and discordant element at a site which contributes to the significance of the conservation area, detracting from its character in both visual and spatial terms. Its disproportionate form and protracted height would also be a distracting feature within the setting of the listed building and the locally listed building at No 21. Moreover, as a result of its presence and position, the ability to appreciate the heritage assets would be diminished. The proposal would thereby adversely affect their significance and in doing so would harm the character and appearance of the area.
17. Accordingly, the proposal would be contrary to Policies D3 and HC1 of the London Plan (2021) and Policies H5, DH1, DH3, DH(h), DH(i) and DH(j) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014) (Core Strategy). These require in part, that proposals achieve high quality design that takes into account a site's context, which should include the preservation or enhancement of nearby heritage assets (including locally listed buildings), their scale, massing and architectural setting. The proposal would also fail to accord with Paragraph 197 of

the Framework (2021) where it advises on the desirability of sustaining and enhancing the significance of heritage assets. Moreover, the proposal would not accord with the statutory duty set out in paragraphs s.72 (1) or s.66 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which require that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area and the desirability of preserving the setting of listed buildings respectively.

Living Conditions

18. The large five-storey flatted development that encompasses Nos 25-27 Greenwich High Road is located a short distance to the north of the proposed development. A rear private amenity space is accessed off the upper floor flat (indicated as No 27 by the Council) and residents using this space would have direct views of the marginally taller appeal building's north flank wall. The rear amenity space is also in close proximity to the seven-storey rear wing of the listed grain silo, which currently has the effect of limiting sunlight to No 27's amenity space during the latter part of the day.
19. The submitted Daylight and Sunlight Report follows the methodology referred to in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' (2011). The guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sunlight on 21 March is less than 0.8 times its former value, then the loss of light is likely to be noticeable.
20. It is noted from the report that a small part of the rear amenity space at No 27 would receive under two hours of sunlight following the development's construction. However, this represents only a marginal loss of light to an area around the dwelling's rear access doors, while elsewhere the space would not incur a noticeable loss of sunlight under the terms of the BRE guidance. Therefore, as there is no evidence to the contrary, I find the results of the Daylight and Sunlight Report acceptable.
21. Consequently, the proposed development would not harm the living conditions of occupiers of No 27, with particular reference to sunlight. It would accord with the Policy DH(b) the Core Strategy, which seeks, amongst other things, for proposals to protect the amenity of existing and future occupiers.

Cycle Parking

22. A total of 10 secure cycle parking spaces would be provided on the ground floor of the proposed building. This would fall short of the 11 spaces required by the standards set out in Policy T5 of the London Plan (2021).
23. The revised floor plans submitted following the Council's refusal of the application show an additional short stay cycle space for the ground floor office. But this does not address the Council's concerns. Furthermore, the appellant has not, in accordance, with Policy T5, provided any alternative solutions which meet the objectives of the standards.
24. Notwithstanding this, the shortfall in the cycle parking provision is modest as a proportion of the total number of spaces that would be provided. In addition, the proposed development's very close proximity to the nearby Deptford Bridge bus and railway stations along with local shops and amenities, represents a highly accessible location that would be within easy reach for future residents. In this

context, it would be possible that not every resident would have the need to store and use a bike for travel purposes. Therefore, on balance, I consider that a shortfall of 1 cycle parking space would not have an unacceptable effect on the travel choices available to future residents.

25. I am satisfied that adequate cycle parking would be provided for the proposal. Although the appeal development would technically breach the parking standards outlined in Policy T5 of the London Plan (2021) and supported by Policy IM(b) of the Core Strategy, it would nevertheless, in this case, comply with the wider sustainable travel objectives set out in Policy IM4 of the Core Strategy, insofar as being located near transport connections and interchanges that enhance connectivity.

Planning Balance and Conclusion

26. There would be no harm incurred by the proposal upon the living conditions of neighbours, whilst the shortfall in cycle parking provision would not affect the travel choices of future occupiers. Nevertheless, I have found that the proposed development would harm the setting and character of nearby heritage assets.
27. Paragraph 199 of the National Planning Policy Framework 2021 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 alteration or destruction of the heritage asset or development within its setting. Given my findings above, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework 2021 advises that this harm should be weighed against the public benefits of the proposal.
28. I acknowledge that the development would bring 1 two-bedroom dwelling in a sustainable location. This attracts significant weight as a public benefit. However, this would not outweigh the harm identified above to the significance of the heritage assets, the conservation of which the Framework 2021 indicates that great weight should be given. I conclude therefore that the proposal would fail to preserve the setting of the adjacent listed building, the non-designated heritage asset at No 21 and the special character of the CA. This would fail to satisfy the requirements of the Act, paragraph 197 and 203 of the Framework 2021 and it would not be in accordance with the development plan.
29. For the reasons given I conclude that the appeal should be dismissed.

R E Jones

INSPECTOR