



Appeal Decision

Site Visit made on 11 October 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2021

Appeal Ref: APP/E5330/W/21/3272289

1-3 Hillreach, Woolwich, SE18 4AJ

- 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 Pellumb Gjelaç (Abbey Autos) against the decision of Royal Borough of Greenwich.
 - The application Ref 18/4454/F, dated 20 December 2018, was refused by notice dated 9 October 2020.
 - The development proposed is demolition of the existing buildings and construction of a part 3/ part4 / part 5 storey building including basement level, comprising of two replacement employment units (Use Class B1(c)) and 23 residential units with associated landscaping, cycle parking and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have used the development description in the appeal form and the Council's refusal notice, as this more accurately describes the development being sought. Given that the changes to the original description of development are relatively minor, I do not consider that either party has been prejudiced by my approach.
3. Between the determination of the planning application and the appeal coming before me, the new London Plan¹ and a revised Framework² were published. The Council has confirmed that Policies 3.4, 3.5, 7.4, 7.6 and 7.8 of the 2016 London Plan have been replaced by Policies D1, D3, D6, DF1, E2 and HC1 of the London Plan 2021, and those new policies are now relevant to this appeal. The views of the appellant have been sought on these and I have had regard to their comments in my findings. Similarly, both main parties have had an opportunity to comment on the revised Framework.
4. The appellant's statement of case refers to the consented flat development at No 1 Frances Street as being under construction. At the time of my site visit I noted that work has progressed and was substantially complete.

Main Issues

5. The main issues are:

¹ The London Plan 2021

² National Planning Policy Framework (2021)

- The effect of the proposal on the character and appearance of the area, including the setting of the Grade II listed Green Hill Garrison School;
- The effect of the proposal on the living conditions of occupiers of Nos 1-5 Ogilby Street and No 1 Frances Street, with particular reference to outlook;
- Whether future occupiers would experience acceptable living conditions with particular reference to outlook; and
- Whether the proposal makes adequate provision for any additional need for infrastructure, services and facilities arising from the development.

Reasons

Character and Appearance

6. The appeal site comprises a car repair garage and an end of terrace dwelling, both of which are set back from Hillreach with a large parking forecourt occupying the intervening space. The site is flanked to the west by the three storey Village Blacksmith public house, which is adjoined by two storey dwellings. The public house and adjoining dwellings consolidate the break in the frontage caused by the parking forecourt given their more advanced position close to the back of the footway running along Hillreach. Although the public house is somewhat dilapidated, it along with the adjoining houses, incorporate traditional architectural features into the frontage, helping to define the street's historic residential character.
7. To the immediate east of the appeal site is a large 5-storey flat development on the corner of Hillreach and Frances Street (No 1 Frances Street). As Hillreach merges into Artillery Road, further to the east, there are further blocks of flats of between three and six storeys in height. These are relatively consistent in their massing and alignment to the road, while the visible gaps between each block help to break up the frontage while separating the individual development typologies. The pattern of development in this part of Hillreach/Artillery Road is underpinned by the consistent massing, spacing and alignment of buildings to the street. This creates a strong rhythm that makes a positive contribution to the area's character.
8. Therefore, the appeal site marks the point where there is a change in Hillreach / Artillery Road's pattern of development and building typology.
9. The proposed development would adjoin the flank walls of No 1 Frances Street and the Village Blacksmith respectively. There would be no relief or space maintained between those structures, unlike the other gaps I observed along the street. Although the proposal would consolidate and unify the frontage somewhat, it would have, in combination with the adjoining properties, a substantial massing, that would be at odds with the existing pattern of spacing along Hillreach/Artillery Road. In this context, the proposal would appear discordant.
10. The proposed development rises to five stories in height along most of the Hillreach frontage, although it reduces to four and then three stories where it would adjoin the Village Blacksmith. The three storey portion of the appeal scheme would have large full height metal windows set behind recessed balconies enclosed by balustrading, while the building would be finished in facing brick. These would appreciably contrast with the more traditional and

refined detailing of the public house, which includes decorative arched windows, brick chimney stacks and a parapet roof. Given the close proximity between the two buildings there would be an abrupt contrast in architectural styles that would appear jarring and discordant when viewed from the street, resulting in an unsympathetic and harmful relationship. This, together with the lack of spacing and relief from the buildings either side would be detrimental to the area's character.

11. It is noted that the design of the appeal scheme has evolved, and attempts have been made to break up the massing of the building through the recessive balconies. Yet this does not address the sudden change and unsympathetic merging into the traditional terrace to the west, in which the Village Blacksmith forms part. Moreover, the combined massing of the proposal and No 1 Frances Street would still be significant, in contrast to the other buildings along the road.
12. To the north of the appeal site, on the opposite side of Hillreach is the Grade II listed former Green Hill Garrison School, a part two storey, part single storey building in use as residential flats. The special interest in the building is derived from its symmetrical appearance, use of materials and historical association with the development of ordnance and artillery.
13. Insofar as it relates to the appeal site, the existing parking forecourt and garage repair buildings make no obvious contribution to the setting of the listed building. This instead is largely confined to its sides (west and east) and rear (south) where mature trees and landscaped grounds attractively frame it. That undeveloped space around the listed building including its front parking forecourt and private access drive, allows the heritage asset to be appreciated from Hillreach/Artillery Road and Repository Road.
14. The listed building would be separated from the appeal proposal by the highway and pavements of Hillreach along with the parking forecourt area and private drive running along the listed building's frontage. With a scale of between 3-5 stories where it faces Hillreach, the proposal would undoubtedly be larger than the listed building opposite. Nevertheless, the separation distance it maintains from it would ensure that its setting would be largely preserved, while its special character would continue to be appreciated from the surroundings. Moreover, the proposal's scale would not encroach into views of the attractive trees and grounds that frame the listed building and contribute towards its significance. Accordingly, the proposal would preserve the setting of the listed building and accord with the Act and those policies in the development plan which seek to protect heritage assets.
15. The appeal site is located close to but outside of the Woolwich Common Conservation Area (CA). This expansive designation includes large areas of public and private open space, woodland, common land and several historic buildings associated with the development of military ordnance, which all contribute to its special character. Notwithstanding my concerns in respect to the proposal's scale, layout and positioning in the street, it would not harm the adjacent features of the CA which contribute to its significance in light of the separation distance it would maintain from those areas.
16. Even though I have found that the proposal would not have an unacceptable effect on the setting of the listed building or CA, it would harm the character and appearance of the surrounding area, and fail to accord with Policy D3 of

the London Plan 2021 and Policy DH1 of the Royal Greenwich Local Plan – Core Strategy with Detailed Policies (July, 2014) (Core Strategy). These, in part, require high quality design in all developments and a positive relationship between the proposed and existing urban context, in terms of townscapes, the architecture of surrounding buildings, established layout and the scale, height, bulk and massing of the adjacent townscape.

Living Conditions – Neighbouring Occupiers

17. The rear elevation of the proposed flats would face the corresponding facades and rear gardens of the dwellings at Nos 1-5 Ogilby Street (odds) (Nos 1-5). These two-storey properties are currently enclosed at their rear by a 4-5m high boundary wall, above which the roof and upper floor of the existing dwelling at the appeal site (No 3 Hillreach) can be partially seen. Despite the presence of these structures, their scale and proximity ensure there is a pleasant outlook from the rear garden and windows of Nos 1-5.
18. The main 5 storey portion of the appeal building would maintain, according to the appellant a distance of around 18-19m from the rear elevations of Nos 1-5. Although this distance may be acceptable between structures of lesser scale, in this instance, the occupiers of those neighbouring dwellings would look out from their rear windows and gardens at a towering 5 storey building; the mass and height of which would have an unacceptable enclosing effect on their amenity space and rear facing habitable rooms. Those occupiers would be made to feel uncomfortable by the proposal's proximity and physicality to the extent that their outlook would be significantly harmed.
19. The appellant considers that the separation distance maintained would be consistent with other developments nearby. However, I have not been directed towards any similar examples and in any event, I have assessed this proposal on its individual merits.
20. The proposed development would project, according to the Council, some 2.9m beyond the rear elevation of the middle and upper floors of the No 1 Frances Street development. During my site visit, I observed windows serving flats on those floors and positioned close to the boundary along where the proposal would be sited. The submitted evidence indicates that those windows serve bedrooms. Given the immediacy of the proposal, its scale and rearward projection, occupiers of the rooms served by those windows would be subjected to the encroaching physical presence of the proposal to the extent that they would feel unduly enclosed.
21. Based on the above, I conclude that the proposal would have an unacceptable effect on the living conditions of occupiers of Nos 1-5 Ogilby Street and No 1 Frances Street, with particular reference to outlook. It would fail to accord with Policy D3 of the London Plan 2021 and Policy DH(b) of the Coe Strategy, which require, amongst other things, that proposals do not cause unacceptable harm to the amenity of surrounding occupiers through an unneighbourly sense of enclosure.

Living Conditions – Future Occupiers

22. Units G.02 and LG.02 are lower ground and ground floor maisonette style flats. The living rooms of those units would have wide glazing panels and double doors that would look onto functional yet, shallow rear gardens. These would

be enclosed along two sides by the five-storey portion of the building, while a three storey section projecting from the rear of No 1 Frances Street would partially enclose the gardens to their east. I have no details of the height of the rear (north) boundary enclosing the gardens, however, their sunken level below the existing ground level would likely require a tall structure to enclose the space.

23. The scale of these boundary structures would be substantial, and their height and proximity would combine to create an oppressive boundary around the garden space of Units G.02 and LG.02, enclosing them unduly and harming the outlook of future users. This effect would extend to the living rooms of those units, whereby future occupiers would look out onto the inhospitable amenity space.
24. Units G.01 and LG.01 are also maisonettes at ground and lower ground floor level, located within the north west envelope of the appeal building. Their rear gardens are deeper and are not physically enclosed to the same extent as the amenity spaces relating to G.02 and LG.02. From within the larger gardens, there would be a greater sense of relief and separation from adjacent buildings, that would contribute to a satisfactory outlook for future residents. Moreover, as the surrounding buildings have a less encroaching presence, the outlook from habitable rooms onto the garden space would be acceptable.
25. Although I found no harm would be incurred upon Units G.01 and LG.01, the future occupiers of Units G.02 and LG.02 would experience unacceptable living conditions with particular reference to outlook. In this respect the proposal would fail to accord with Policies D1 and D3 of the London Plan 2021 and Policy H5 of the Core Strategy, which collectively require proposals to deliver appropriate outlook and amenity for occupiers through high quality design.

Planning Obligation

26. The Council consider that matters in relation to affordable housing, the provision of employment space and training, off-site parking, highway improvements, a travel plan, and a financial contribution towards carbon offsetting are required through a planning obligation under S106 of the Town and Country Planning Act 1990. The Community Infrastructure Levy (CIL) Regulations require that any planning obligation providing for contributions must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The same tests are applied under paragraph 57 of the Framework.
27. There is a commitment by the appellant to provide and implement the above measures. However, I have no completed Section 106 Agreement before me to consider and, as a result, there is not the mechanism to deliver the matters above, where they are required as a result of the proposal and accord with CIL and the Framework. I have considered whether instead they can be provided through a planning condition. The Planning Practice Guidance (PPG) advises against such an approach, stating that it is unlikely to be appropriate in the majority of cases. The exceptional circumstances under the PPG, which sets out where a condition may be appropriate, would not apply.
28. The proposal would not, therefore, make adequate provision for any additional need for infrastructure, services and facilities arising from the development, in

accordance with the tests in CIL and the Framework. It would also not comply with Policies H3, EA(c), E1, IM1, IM4 and IM(c) of the Core Strategy, Policy DF1 and E2 of the London Plan 2021 and the Planning Obligations (s106) Guidance SPD (July 2015), where they relate to the provision of affordable housing, the reduction of carbon emissions, parking standards, and sustainable travel.

Other Matters

29. The appeal scheme would contribute a reasonable number of dwellings to the local housing stock along with some economic improvements associated with the construction process, spending of future occupiers in the locality and new employment uses. The site would also result in an efficient use of land that would provide housing in an accessible location close to public transport and local services. I also note that there would be some minor carbon reduction benefits associated with the installation of solar panels on the proposed building. Collectively these scheme benefits weigh moderately in favour of the proposal. However, I attribute greater weight to the proposal's harmful effects on the area's character and appearance and the living conditions of neighbouring and future occupiers.
30. The appellant states that there would also be scheme benefits secured through a planning obligation. Given that I do not have any means of securing those off-site contributions and facilities, I am unable to attach any weight to them in support of the scheme.
31. There are no objections raised by the Council regarding matters of highway safety, privacy, daylight and sunlight, noise, biodiversity and flood risk. Nevertheless, a lack of objection would not address the concerns I have outlined above.
32. I note that the appellant is aggrieved and frustrated by the apparent change in position adopted by the Council in respect of the proposal's merits, following lengthy and costly pre-application discussions. However, this is not a matter for the appeal and should therefore be pursued separately.

Conclusion

33. I have found that the proposal would not harm the setting of the adjacent listed building. However, it would have a detrimental impact on the character and appearance of the surrounding area, the living conditions of neighbouring and future occupiers of the flats and the lack of provision for infrastructure, services and facilities arising from the development. Also the scheme's benefits would not outweigh the harm I have referred to. For these reasons and having regard to all other matters raised, the appeal is dismissed.

RE Jones

INSPECTOR