



Appeal Decision

Site visit made on 7 February 2022

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2022

Appeal Ref: APP/E5330/W/21/3280323

4 Nevada Street, Greenwich, London, SE10 9JL

- 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 Ms Elizabeth Franks against the decision of the Royal Borough of Greenwich.
 - The application Ref 21/0366/F, dated 29 January 2021, was refused by notice dated 7 May 2021.
 - The development proposed is change of use from A1 to C3 single family dwellinghouse, part 3/1 storey rear extension, further excavation of existing rear land to create basement and glazed link to one storey living area and study to the rear.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use from A1 to C3 single family dwellinghouse, part 3/1 storey rear extension, further excavation of existing rear land to create basement and glazed link to one storey living area and study to the rear at 4 Nevada Street, Greenwich, London, SE10 9JL in accordance with the terms of the application, Ref 21/0366/F, dated 29 January 2021, subject to conditions set out in the attached schedule.

Preliminary Matters

2. The proposal follows the refusal of planning permission to a similar proposal (ref. 20/0159/F).

Main Issues

3. The main issues are the effect of the development on (a) the character and appearance of heritage assets and (b) the living conditions of occupiers of 5 Nevada Street.

Reasons

Character and appearance

4. The appeal relates to a 3-storey end of terrace building with a basement. The building is vacant and in poor condition. The garden to the rear cannot readily be used as the land has several deep excavations revealing extensive areas of subterranean brickwork. The site is on the northern side of Nevada Street.
5. Nos. 4-7 Nevada Street comprise buildings of similar massing with some common characteristics and are locally listed. The appeal site is located within the West Greenwich Conservation Area (WGCA) and also forms part of the Maritime Greenwich World Heritage Site (WHS).

6. Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The site is located in the north-eastern part of the WGCA, close to the historic core of Greenwich and the entrance to Greenwich Park. The Council's Conservation Officer contends the significance of the property is derived from *"its evidential and historical value as part of the early development of the area, and as an example of a Georgian shop; and from its aesthetic value, for both its symmetrical and well-proportioned frontage and for its group value within the street scene"*. The front of the building retains many original features such as a traditional shopfront and timber sliding sash windows. It makes a positive contribution to the WGCA, individually and as part of a group.
7. The rear of the building has been subject to substantial change. Roof line marks to a demolished upper floor outrigger or outshot can clearly be seen on the rear wall which together with small non-original windows present a weak elevation. At ground floor level the demolition of a former lean-to has revealed white painted, previously interior walls. A former building to the eastern flank has been removed to provide a vehicular access to University of Greenwich buildings to the rear of the terrace. The side wall to no.4 facing the access has been reconstructed. Gates to Nevada Street across the access and fences to the garden to no.4 conceal much of the rear wall and excavated back garden from public view. But the rear of the building can still be seen from the access and nearby premises and affects the character of the area. The poor condition of the rear wall and back garden make a negative contribution to the WGCA.
8. The significance of the building in relation to the character and appearance of the WGCA, the WHS and as a locally listed building lies mainly in the front of the building. Subject to appropriate conditions, the Council raises no objections to the works proposed to the front elevation, which respect the historic fabric. Nor do they object to the proposed first and second floor rear extension which would align with the rear wall to 5 Nevada Street and include more appropriate window openings. I have no reason to disagree with this assessment.
9. The basement excavations would extend to the site's rear boundary where a subterranean lounge and home office would be formed facing an exposed amenity area at basement level with additional amenity space at ground floor level over the accommodation. The excavations would be substantially greater than basement provisions confined to just the building. But most of the rear garden has already been partially excavated and is not presently useable as a garden. Works across the full depth of the site are not therefore unreasonable to enable full residential use of the site. Moreover, the basement works would not be readily visible from outside the site.
10. At ground floor level, the rear extension would be deep and full width. Its rear sliding timber frame doors would have a modern contemporary appearance. This would be acceptable in that the original ground floor treatment no longer remains and nos. 6 and 7 in the terrace have comparable deep rear projections and ground floor extensions. There would be a glazed balustrade beyond the rear extension wrapping around the edge of the sunken amenity space. A safety measure here would be essential to the proposed layout. The extent of glazing would not be excessive for its purpose, nor particularly conspicuous. The glazing would not detract from the host building's appearance in relation to the large, glazed areas proposed at ground floor and basement levels.

11. The proposal would not be harmful in relation to factors most important to the site's inclusion in the designation of the heritage assets. At the rear, the works would be extensive and contemporary in nature but nonetheless of high quality design. The excavations and scale of development would be unusual in the context of the terrace but in my judgement, this would result in only limited harm to the character and appearance of the WGCA and the setting of the locally listed terrace. There would therefore be only limited conflict with Policies DH1, DH3, DH4, DH(a), DH(h) and DH(j) of the Royal Greenwich Local Plan: Core Strategy and Detailed Policies (2014) (RGLP) in relation to the design and scale of development on heritage assets including the MGWHS. Similarly, there would only be limited conflict with the equivalent policies in the London Plan (2021), Policies D3, HC1 and HC2 relating to a design led approach being sensitive to heritage assets arising from the scale of development.
12. The Council's Residential Extension, Basements and Conversions Guidance Supplementary Planning Document (2016) (SPD) states that basements should generally be limited to the footprint of the host building and not dominate rear or front gardens. The proposed basement's scale would exceed this general guidance but there are extenuating circumstances in the historic masonry and deep excavations already existing over most of this area. It would be necessary to treat this area as part of the site's renovation. There would not therefore be material conflict with the SPD.
13. The scale of works at the back of the site would not be readily visible in the public domain. There would not be conflict with the values set by the Maritime Greenwich World Heritage Site Management Plan (2013).
14. Paragraph 199 of the National Planning Policy Framework (the Framework) states that "*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation*". In this instance the only harm would be at the rear, not readily visible in the public domain, and would be less than substantial. Paragraph 202 requires such harm to "*be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*". Similarly, in relation to locally listed buildings, Paragraph 203 of the Framework states "*a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*".
15. The proposal would result in several public benefits. It would enable a vacant and neglected building within the WGCA to be brought back into use. The present derelict and deeply pitted rear garden would also receive investment to enable beneficial use. The structural integrity of the building would be safeguarded and the matters most important to the significance of the heritage assets would be respected. The residential use of the site would result in provision of an additional dwelling and would be consistent with uses along the terrace. The public benefits would outweigh any harm to heritage assets. The proposal would be compatible with Paragraph 197 of the Framework requiring planning decisions to take account of "*the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation*".
16. I have had regard to the statutory duty set out in paragraph 6 above. My conclusion on the first main issue is that the development's effect on the character and appearance of heritage assets would be acceptable.

Living conditions

17. The first and second floor rear extension would be flush with the rear wall to 5 Nevada Street and would not result in any unneighbourly impacts. The ground floor rear extension would project about 5.8m beyond the rear wall of no.5 along the common boundary and about 4.1m beyond a high shared boundary wall. There is a rear extension to a greater depth at 6 Nevada Street along the other boundary with no.5 although not to the same height. There is a habitable room window in the rear wall of no.5 about 1.5m from the boundary with no.4 and a back door beyond this. The proposed ground floor extension would not unduly restrict outlook down the back garden nor result in an overbearing presence. Whilst the back window is north facing the room it serves is dual aspect with light received from a front bow window. The proposal would not result in a significant loss of light.
18. Planning permission has been granted on appeal¹ for a full width, single storey rear extension at 5 Nevada Street to about the same depth as the ground floor rear extension proposed at no.4. Whilst this had not been built at the time of my site visit, the permission is extant and is a material consideration. If the extension at no.5 is constructed, that proposed at no.4 would have no material impact on the amenities of the occupiers of no.5.
19. Having regard to all relevant considerations, the height and depth of the ground floor rear extension would not cause unacceptable harm to the living conditions of occupiers of 5 Nevada Street. There would not be conflict with Policy DH(b) of the RGLP regarding the effect on living conditions in relation to light, privacy or sense of enclosure.

Other Matters

20. Policy H2 of the London Plan (2021) notes that Boroughs should pro-actively support well-designed new homes on small sites (identified as being below 0.25 hectares in size). The proposed development would make a minor contribution of one new dwelling towards the Council's housing target.
21. Most representations have been in support of the proposal. I have noted the concern that a tree in the back garden would be lost to the basement excavations, but this alone would not warrant refusal of planning permission given the overall benefits arising.

Conditions

22. In addition to the statutory condition to limit the lifespan of the permission a condition is required to specify the plan numbers in the interests of certainty. Conditions are required in relation to external materials, including windows, and landscape works to ensure a satisfactory appearance in the context of the WGCA. In view of the extent of excavations and building works and the tight urban context of Nevada Street, conditions are needed to approve a construction management plan and to ensure that the basement is constructed in accordance with the submitted basement impact assessment. Conditions are necessary to ensure that refuse and cycle storage is provided in accordance with the approved plans.

¹ Appeal Ref: APP/E5330/W/20/3258324 - Application Ref 20/0997/HD

23. There is no opportunity to provide on site parking. Nevada Street is located within a Controlled Parking Zone within Greenwich Town Centre where there is heavy demand for kerbside parking spaces. There is good access to public transport options. To avoid impacting on existing residents' parking spaces, it is necessary for the proposal to be a car free development. The Council's Traffic Regulation Orders would need to be amended for this to be achieved. I have included a condition to provide for appropriate arrangements to be made.

Conclusion

24. For the reasons given above I conclude that the appeal should be allowed.

Rory MacLeod

INSPECTOR

Schedule of Planning Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
A010(Rev. P3), A017(Rev. P4), A018(Rev. P3), A100(Rev. P7), A101(Rev. P7), A102(Rev. P6), A105(Rev. P12), A106(Rev. P11), A107(Rev. P10), A109(Rev. P8), A110(Rev. P6), A111(Ref: P7), A112(Rev. P7), A113(Rev. P6), A114(Rev. P6), A120(Rev. P8), A121(Rev. P6), A200 (Rev P8), A201(Rev. P8), A202(Rev. P8), A203(Rev. P5), A204(Rev. P2), A205, A210(Rev. P9), A211(Rev. P10), A212(Rev. P12), A213(Rev. P7), A214(Rev. P2), A220(Rev. P6), A221(Rev. P6), A222(Rev. P2), A223(Rev. P2), A224(Rev. P2), A225(Rev. P2), A230(Rev. P11), A231(Rev. P8), A232(Rev. P7), A240(Rev. P2), A241(Rev. P2), A242(Rev. P2), A243(Rev. P2), A001(Rev. P2), A450 (Rev P5) Basement Impact Assessment, Design and Access Statement, Heritage Assessment and Planning Statement.
- 3) No development shall commence until details or samples of the materials to be used in the construction of the external surfaces of the building operations hereby permitted, including the insertion of new windows and restoration of the shopfront, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details or samples.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall where possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

- 5) No development shall take place, including any works of excavation, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoardings;
 - wheel washing facilities;
 - measures to control the emission of dust, dirt and particulates during construction;
 - likely noise levels to be generated from plant and noise screening and mitigation measures during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) The basement excavation and construction shall be undertaken strictly in accordance with the recommendations in the Basement Impact Assessment ref. 19044/RWS
- 7) The development shall provide 2 secure cycle spaces in accordance with Drawing A105 Rev P12. The cycle parking spaces shall be installed prior to the first occupation of the building and maintained thereafter in working order.
- 8) Prior to the first occupation of the development, refuse storage shall be provided in accordance with Drawing A105 Rev P12.
- 9) No development shall take place until arrangements shall have been made to secure the development as a car-free development in accordance with a detailed scheme or agreement which shall have been approved in writing by the local planning authority. The approved scheme or agreement shall ensure that:
- no occupiers of the approved development shall apply for, obtain or hold an on-street parking permit to park a vehicle on the public highway within the administrative district of the local planning authority (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation); and,
 - any occupiers of the approved development shall surrender any such permit wrongly issued or held.

Such scheme or agreement shall be implemented prior to the occupation of the development hereby permitted and shall be retained and operated for so long as the use hereby permitted continues.