



Appeal Decision

Site visit made on 9 May 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2022

Appeal Ref: APP/E5330/W/21/3288329

15-17 Blackheath Village, Blackheath, London SE3 9LH

- 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 Danish Bake UK Limited against the decision of Royal Borough of Greenwich Council.
 - The application Ref 21/2693/F, dated 20 July 2021, was refused by notice dated 14 September 2021.
 - The development proposed is alterations to window openings to extend vertically, replace windows with timber sash and restore sills and surrounding render as existing.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to window openings to extend vertically, replace windows with timber sash and restore sills and surrounding render as existing at 15-17 Blackheath Village, Blackheath, London SE3 9LH in accordance with the terms of the application, Ref 21/2693/F, dated 20 July 2021, subject to the following 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:
Site location plan (Dwg. 220571/LOC/1.1 Rev. A
Proposed elevations (Dwgs. 220571/PLA/1.1 Rev. B and 220571/PLA/1.2 Rev. A)
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan nos. 220571/PLA/1.1 Rev. B and 220571/PLA/1.2 Rev. A.

Main Issue

2. The main issue is the effect of the proposed alterations on the character and appearance of the appeal property, a locally-listed building, and on the Blackheath Park Conservation Area.

Reasons

3. 15-17 Blackheath Village is a three-storey commercial building located on the eastern side of Blackheath Village, at the corner of Blackheath Village and Bennett Park. The appeal relates to the ground floor premises of the building, previously occupied by Lloyds Bank. The bank closed in May 2020, and the appellant now proposes to operate a bakery on the site. The intended use of

the premises as a bakery falls within the same use class (Class E) as the former bank, and so does not fall within the scope of this appeal.

4. The appeal site sits within the Blackheath Park Conservation Area ("the BPCA"). I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the Framework states that they should be conserved in a manner appropriate to their significance (paragraph 189). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 200) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 202).
5. The 2013 BPCA Conservation Area Appraisal ("the CAA") defines the area's special significance as coming from the quality and diversity of its housing, which ranges from grand Georgian and Victorian villas to compact flats. It notes that some of the housing is progressive, extrovert and highly personal in design; while other parts are highly conservative and retiring. The BPCA covers part of Blackheath Village (including the appeal site and properties on Bennett Park. The CAA notes that this part of the area is much more urban in character than the rest, and comments that Bennett Park in particular "has a decidedly urban flavour, with three storey closely spaced villas in pairs, in yellow stock brick whose verticality is emphasised by double height bays and tall windows".
6. 15-17 Blackheath Village is not identified in the CAA as being a "key unlisted building", although it is described as "a lesser but notable landmark". It is nevertheless on the Council's Local Heritage List, where something of its history is set out:

"Formally¹ the Alexandra Hall, built in 1863 and named in honour of King Edward VII and Princess Alexandra of Denmark. The building passed to Lloyds Bank in the 1920s and the present appearance of the banking hall dates from extensive alteration and restoration work in January 1970."

The appeal site is therefore considered to be a non-designated heritage asset ("NDHA"); its status as such is not a point of dispute between the main parties.
7. The heritage assessment submitted by the appellant as part of the planning application suggests that the appeal property's significance is derived from its local historical connections as a bathhouse, followed by its use as a meeting house and subsequently a bank. The Council's officer report accentuates the building's historical value as part of the development of Blackheath Village in the 19th century, its evidential value as an example of a building type which was particular to the 19th century providing the opportunity for physical and educational "improvement", and its aesthetic value, with its stucco finish, composition and its considered fenestration, which combine to provide a striking corner building which acts as a landmark within the village but also forms a comfortable group with the surrounding buildings. While the two main parties' assessments have emphasised slightly different aspects of the building, taken together I find that they amount to a fair appraisal of its significance.
8. The proposal is to alter the size of eight ground floor shop windows (four on each of the Blackheath Village and Bennett Park frontages) by extending them

¹ It appears to me that this may be a typo, and is perhaps intended to read "formerly".

- vertically downwards. Each of the eight windows would be replaced with timber sash windows and sills and the surrounding render would be restored.
9. Two of the windows on the Bennett Park frontage have already been significantly extended at some point, so as to accommodate ATMs. The subsequent removal of the cash machines has left two unsightly spaces which are currently patched with timber boarding; the Council's Conservation Officer considered that the replacement of this boarding with glazed panels would be acceptable. Otherwise, the Council is of the view that the existing windows are an important characteristic of the bank building which contribute to its significance; it considers that the proposed enlarged window openings would alter the design composition on the elevations of the shop front, and would fail to respect the character of the appeal building and the wider streetscene.
 10. It is apparent from all of the evidence before me that the fenestration on the ground floor of 15-17 Blackheath Village has been altered several times over the years, reflecting the changing uses to which the building has been put. A 1910 photograph of the building in its meeting hall days shows a very different frontage to Bennett Park in particular, with a prominent two-storey bay window which has since been subsumed (at ground level) into the front extension and corner infill which wraps around into Blackheath Village and now forms the focal point of the building in the streetscene. A photograph from 1930 shows a former shop unit which was absorbed into the Lloyds Bank premises, and which resulted in a further change to the Blackheath Village frontage.
 11. The additional height of the proposed windows would not, in my view, result in them being so tall that they would become absurd or otherwise incongruous in appearance. I saw that there are numerous other buildings nearby within the BPCA and without (such as the restaurant at 1-3 Lee Road a short way to the south of the appeal site, and Blackheath Station a short way to the north) which have relatively tall ground floor windows. Relatively tall windows are also a characteristic of residential buildings in the area, including nearby on Bennett Park.
 12. While the proposed windows would not reflect either the appeal building's original or current forms (and it is worth emphasising here that these are not the same thing), I consider that they would be a relatively sensitive alteration, and would use appropriate materials and forms. The shopfronts to both Blackheath Village and Bennett Park would retain an overwhelmingly solid and traditional appearance, in keeping with the overall character of the building. The suggestion that it may be acceptable to replace only the two boarded ATM spaces with glazed panels seems to me to be a far less sensitive approach to moving the building on from its previous use, which would leave its Bennett Park frontage looking rather incoherent and unbalanced.
 13. The proposal would support bringing the appeal property back into a productive and viable use, and the physical alterations would mark a next step in its life and the various roles it has played in Blackheath Village over the years. The building's recent history as a bank, and its more distant history as a public meeting hall and bathhouse, would still be apparent in its relatively grand appearance and scale, and its prominent corner location. Taking all of this together, I consider that the historic significance of the appeal property as an NDHA would be preserved. As a result, I am also satisfied that the positive contribution it makes to the BPCA would not be compromised.

14. Accordingly, I conclude that the proposed development would not harm the character or appearance of the appeal property, as a locally-listed building, and the character and appearance of the BPCA would be preserved. The proposal therefore complies with Policies DH1, DH3, DH(e), DH(h) and DH(j) of the 2014 Royal Greenwich Local Plan: Core Strategy with Detailed Policies and with Policies D3 and HC1 of the London Plan 2021. Among other things, these policies seek to ensure that development (including alterations to shopfronts) is well-designed and takes account of local townscapes and character, and that heritage assets including Conservation Areas and locally-listed buildings are protected and enhanced. As I do not find that the development would cause harm to designated heritage assets, it is not necessary to apply the public benefit test set out in paragraph 202 of the Framework.

Other Matters

15. Several interested parties submitted comments in relation to the planning application and to this appeal. To the extent that the matters raised are material, they have been addressed in my consideration of the main issue above. One interested party suggested that the lowered window sills may be used as seating either by people consuming food and beverages or waiting for buses. However, no substantive evidence was put before me to indicate there is a real likelihood of any significant harm arising to neighbours' living conditions if such activities were to occur, and I note that the Council did not consider that the proposal would have any harmful effects on neighbouring residents; none of the evidence before me leads me to a different view.
16. Other matters raised by interested parties included the potential impacts of the use of the premises as a bakery, the presence of other food outlets within Blackheath Village, the effect of air conditioning units, and questions about capacity for parking and deliveries. However, none of those matters relate to the planning merits of the specific proposal before me, and none of the other matters raised has had a significant bearing on my overall conclusion.

Conditions

17. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed a condition requiring the materials to be as specified in the submitted drawings, so as to protect the character and appearance of the area. No further conditions were suggested by the Council, nor do I consider that any are needed.

Conclusion

18. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

M Cryan

Inspector