
Appeal Decision

Site visit made on 16 August 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2022

Appeal Ref: APP/E5330/W/22/3292535

1 Prince of Orange Lane, Greenwich SE10 8JQ

- 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 Harneet Mangat against the decision of the Council for the Royal Borough of Greenwich.
 - The application Ref 21/3950/F, dated 2 November 2021, was refused by notice dated 24 December 2021.
 - The development proposed is described as a "proposed change of use from B1 offices to C3 residential use including extension of basement and loft conversion with associated new roof with increased ridge height, new dormer windows and rooflights for 2 No. self contained flats".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, the appellant at Part E of the appeal form, refer to an alternative description of the development, which is the same as the wording on the Councils decision notice. Nevertheless, neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original planning application.

Main Issues

3. The main issues in this appeal are the effects of the proposed development on the:
 - character and appearance of the host property and the setting of the designated and non-designated heritage assets;
 - living conditions of neighbouring occupiers at 193 - 195 Greenwich High Road having particular regard to matters of outlook and enclosure; and
 - living conditions for future occupiers with specific regard to outdoor amenity space.

Reasons

Character and appearance

4. The appeal site is a small two-storey office building, currently vacant, located in Prince of Orange Lane, a short cul-de-sac north of Greenwich High Road. The

site has a mix use feel being located near Greenwich Town Centre, with commercial units located to the west, several traditional residential villas located to the east and the Docklands Light Railway (DLR) adjoining the site to the north.

5. The appeal site is also located in the West Greenwich Conservation Area (WGCA) and Maritime Greenwich World Heritage Site buffer zone (MGWHS). It is also located within the setting of a designated heritage asset, Nos 199 - 213 Greenwich High Road which are Grade II listed buildings, and several non-designated heritage assets, which consist of the locally listed buildings at Nos 189 - 195 Greenwich High Road.
6. As such, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest. Also, I have a statutory duty under section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
7. The National Planning Policy Framework 2021 (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
8. The buildings in this section of Greenwich High Street have impressive frontages, whilst at the rear, they have more modest elevations lacking the architectural detailing of their front facades, and some exhibit incremental alterations and additions at the rear. As such, it is the front elevations, coupled with their historic fabric, that contribute positively to the significance of the WGCA and the MGWHS. The significance of the area surrounding the appeal site is further enhanced by the setting of the Grade II listed properties (199 - 213 Greenwich High Road) and the locally listed buildings at 189 - 195 Greenwich High Road that flank the entrance to Prince of Orange Lane, providing a sensitive location.
9. Being located in Prince of Orange Lane the appeal site has a distinctly subservient feel, being set back from the Greenwich High Road, with a difference in scale, basic design and noticeable lack of coherence or symmetry apparent. Furthermore, the appeal site has also been unsympathetically altered overtime, highlighted by the painted brickwork and utilitarian window details. Nevertheless, its location behind the main streetscene and subservient nature, provide a cottage like feel and make a positive contribution to the overall significance of the WGCA.
10. The appeal property has an existing basement, and the proposed extension to this, would be proportionate to the host property. However, the proposal also includes a roof extension that would significantly alter the roof form of the host property. The increased height would substantially elongate the roof on the west side profile, creating a crown roof form. In doing so, the proportions of the existing low pitched roof would be detrimentally altered, and there would be a significant visual change in the mass of the property at roof level. The

resultant increase in mass at roof level and inappropriate side crown roof form, would diminish the modest subservient nature of the host property within the WGCA.

11. There are other examples of dormer windows in the area. The proposal would also be smaller in scale than its neighbours and, as located behind the main street, would be seen only in glimpsed views. Nevertheless, whilst views from Greenwich High Road would be limited, the increase in scale, roof form and mass of the proposal would compete with its surroundings rather than preserve or enhance it. As such, the scale and height of the appeal site is not proportionate or harmonious in appearance and would therefore be harmful to the character and appearance of the host building, the WGCA and setting of the designated and non-designated heritage assets.
12. For the above reasons, I conclude that the proposed development would be unacceptably harmful to the character and appearance of the host property and would fail to preserve or enhance the character or appearance of the WGCA and the setting of the Grade II listed buildings. The proposal would therefore be contrary to Policies D3, HC1 and HC2 of the London Plan, March 2021 (LP), and Policies DH1, DH(h), DH(i) and DH(j) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies, adopted July 2014 (GLP) which, amongst other things, require all development to be of high quality design; respect the integrity and harmonise with historical character; and conserve or enhance the significance of designated and non-designated heritage assets. Nor would it accord with the policies of the Framework which seek to conserve and enhance the historic environment.
13. I consider the harm to the significance of the heritage assets would be less than substantial. Paragraph 202 of the Framework advises where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I return to this in the planning balance below.

Living conditions of neighbouring occupiers

14. The occupiers of properties most affected by the appeal proposal are the upper floor flats at 193 - 195 Greenwich High Road to the south and 199 Greenwich High Road to the east.
15. Based on the floor plans provided, the upper floor units at Nos 193 - 195 are dual aspect with windows at the front and rear of the property. However, the existing rear windows are the only window that serves the kitchen, and therefore would not receive additional light or outlook from a separate room. Currently the windows overlook the existing unit in close proximity, and any increase in height and mass in this location would have a significant impact on the outlook from these units. The proposal would significantly increase the height at roof level, creating a crown roof feature that would obscure and enclose views from the windows of these properties to their detriment. This would be harmful to the outlook of these occupiers.
16. The proposal also includes a rooflight on the south roof elevation facing these windows. This opening would be high level serving a stairwell and would not enable direct overlooking between the properties. Nonetheless, I accept that there could be a perception of overlooking and loss of privacy from the

rooflight. This could be alleviated through an obscure glazing condition, although this would not mitigate the harm I have already identified to the living conditions of these occupiers in respect to outlook and sense of enclosure.

17. No 199 has a window at upper floor level in the flank elevation and several windows at the rear, thus providing a dual aspect to this property. Whilst the appeal proposal would extend the roof height, this increase in height would not have a significant enclosing effect on these occupiers' outlook, given its relative distance and its dual aspect nature. Thus, the appeal proposal would not harm the living conditions of the occupiers of No 199 with respect to outlook or sense of enclosure.
18. In regard to this main issue the proposal would unacceptably harm the living conditions of the occupants of 193 - 195 Greenwich High Road, due to the sense of enclosure and the impact on outlook. Therefore, the proposal would conflict with the objectives of the GLP Policy DH(b) which seek, among other things, to protect the amenity of the adjacent occupants from unneighbourly development. It would also be contrary to the Framework which, amongst other things, also seeks a good standard of amenity for all existing occupants of buildings.

Living conditions for future occupiers

19. The LP Policy D6 states a minimum of 5sq.m. of private outdoor space should be provided for 1-2 person dwellings and an extra 1sq.m. should be provided for each additional occupant. GLP Policy H5 sets out that flatted accommodation should provide a good-sized balcony or enclosed communal garden. However, Paragraph 4.1.32 of the supporting text to this policy, states that there may be scope for a lower level of private amenity space in developments adjacent to public open space, or in conversion schemes where site constraints affect the ability to provide the required amenity area.
20. The figures in the LP Policy D6 are minimum standards which are intended to act as a benchmark for high design quality, and, given the appeal proposal provides no form of outdoor amenity space, it would therefore conflict with this policy. Nevertheless, it is acknowledged that the constraints of the site prevent any private outdoor amenity provision and there is public open space available in the area, such as Greenwich Park located in a short walking distance from the appeal site, that offers practical and good outside amenity space.
21. The appellant also draws my attention to another scheme¹, allowed on appeal. This also involved a potential 'fallback' position relating to permitted development. In allowing that appeal, the Inspector gave weight to the extant scheme, as several of the approved units were below the minimum internal space standards, whereas the appeal scheme met all the space standard requirements. Here the circumstances are different. Whilst a Prior Approval² for residential units has been issued, neither the Prior Approval nor the appeal proposal provides any private outdoor space. As such, any benefit of the appeal proposal, are limited to only a modest increase in the internal floorspace. Therefore, I apportion this little weight.
22. The development would not provide any outdoor amenity space, or a good sized balcony, terrace or enclosed communal garden. This would result in an

¹ Appeal Ref: APP/E5330/W/18/3213981

² London Borough of Greenwich Ref: 21/1907/PN2

unsatisfactory living environment for future occupiers and be in conflict with LP Policy D6 and GLP Policy H5 which, amongst other things, seek to ensure development provides a good standard of amenity. However, in considering the weight given to the conflict with policy in the overall planning balance, I have had regard to the potential fallback position, as well as the physical constraints of the building and proximity of nearby public space.

Other Matters

23. The appellant draws my attention to the Prior Approval³ issued for the change of use from B1 (Offices) to C3 (Residential) at the site, for 2 self-contained residential flats as a realistic fallback position, in that there is more than a theoretical possibility that 2 residential units can be achieved at the site through the conversion of the property without the need for operational development. This is a material consideration in my decision.
24. The appellant also highlights the extensive planning history at the appeal site, which includes several planning applications for additional floorspace and extensions to the roof, some of which have been approved. These include the demolition of the existing building and the construction of a three storey building with basement for (D1) Dental Surgery. Full details of these proposals have not been provided and thus I cannot conclude with any certainty that they are directly comparable to the proposal before me.
25. Whilst I am sympathetic to the fact that the appeal proposal is a resubmission, attempting to address issues previously raised by the Council and Inspector, I must assess the current proposal on the basis of the information before me. Furthermore, the appeal proposal differs significantly from the most recent scheme which was dismissed at appeal⁴. This was for 3 residential units and incorporated a modern design with a flat roof, whereas the proposal before me provides 2 residential units, and a crown roof and is thus not directly comparable.

Planning Balance

26. Bringing together my conclusions on the main issues I have found that the proposal would lead to a less than substantial harm to the designated and non-designated heritage assets. As noted above, I must first weigh this harm against the public benefits of the proposal, including where appropriate securing its optimum viable use.
27. I have had regard to the public benefits of the appeal scheme, in that the proposal would provide a modest contribution to the supply of housing in Greenwich. Furthermore, it would promote the reuse of an existing vacant building and would make modest improvements to the building including improved accessibility, to which I have given moderate weight.
28. However, these public benefits would not outweigh the less than substantial harm that would be caused to the significance of the heritage assets identified above.
29. I have also had regard to the fallback position for the change of use from B1 (Offices) to C3 (Residential) for 2 self-contained flats under the extant Prior

³ London Borough of Greenwich Ref: 21/1907/PN2

⁴ Appeal Ref: APP/E5330/W/20/3255724

Approval scheme. Like the appeal proposal, this scheme also provides a modest contribution to the housing supply, with 2 residential units. This would also provide no outdoor amenity space. In this regard, the two proposals would be comparable, though the proposal before would provide no benefits in this regard over and above what has already been permitted. While the proposal before me would result in some improvements to the internal spaces than those of the fallback, there is nothing to suggest these would be substandard. This factor therefore carries little weight in its own right.

30. However, the appeal scheme would also include alterations to the building that would have a harmful impact on the living conditions of 193 - 195 Greenwich High Road with specific regard to outlook and enclosure. Furthermore, these alterations would fail to preserve the character and appearance of the conservation area and setting of heritage assets, to which I must attach importance and great weight. Accordingly, the presence of a potential fallback in this case does not justify allowing a more harmful form of development than what may already be permitted. Therefore, the presence of the fallback does not weigh in favour of the proposed development.
31. Overall, I have found that the development would conflict with the development plan as a whole. There are no material considerations in this case that would lead me to a decision other than in accordance with the development plan.

Conclusion

32. For the reasons given above I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR