



Appeal Decision

Site visit made on 21 March 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/E5330/W/22/3297307

Land to the rear of 1 and 2 Eltham Green, Eltham SE9 5JZ

- 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 Antony Hoodless (Billingford Holdings Ltd) against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 21/4166/F, dated 21 November 2021, was refused by notice dated 17 January 2022.
 - The development proposed is described as "The resubmission of planning application ref:21/2181/F for the construction of 2no. two storey three/four bedroom dwellinghouses on land to the rear of 1 and 2 Eltham Green SE9 5JZ".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Eltham Green Conservation Area (EGCA), and its effect on the significance of Nos 1 and 2 Eltham Green as locally listed buildings.

Reasons

3. The EGCA comprises the green space known as Eltham Green, the row of houses at Nos 1-13 Eltham Green with their gardens and boundary walls, and the surrounding streets to their mid-point. Nos 1-13 Eltham Green front onto the green space and are together locally listed. They are described as a varied group of 2 and 3- storey villas dating from "circa 1840" and "one of the few remaining parts of old Eltham".
4. The significance of the EGCA is architectural and historic. Nos 1-13 Eltham Green are a small, cohesive group of houses with rich, varied architectural detail. Their long, tapering plots were originally bounded by the surrounding landscape and remain largely unchanged following later development nearby. Therefore, the houses and their plots provide a connection to the area as it was prior to the expansion of this part of London. The spaciousness and verdant appearance of the gardens provide visual relief and contribute positively to the EGCA's character and significance.
5. Nos 1 and 2 Eltham Green are a semi-detached pair of 3- storey houses at one end of the locally listed group. Their gardens are the longest in the group and help define the boundary and shape of the EGCA, as well as contributing to the significance of the houses as non-designated heritage assets. There are views

- of the rear of the houses across the gardens from within the EGCA, as well as glimpses across the boundary wall from Keeling Road. These views contribute to the significance of both the EGCA and the non-designated heritage assets.
6. The proposed development would introduce houses into a part of the EGCA that has not previously been used for that purpose. The siting of the new houses would significantly shorten the plots at Nos 1 and 2 and interrupt their tapered form. This would in turn substantially change the long-standing shape and layout of the EGCA, thereby harming the connection it provides to the history of the area. The houses would dominate the spacious gardens and diminish their verdant appearance, which would detract significantly from the positive contribution they make to the character of the EGCA. The views of the rear of the locally listed houses from parts of the EGCA and from Keeling Road would be considerably altered. This would in turn lessen the positive contribution these views make to the EGCA and non-designated heritage assets.
 7. It has been put to me the siting of the houses would help define the EGCA's extent, enhance its significance and the significance of the locally listed buildings. I also note the distance between the new houses and the rear of Nos 1 and 2 Eltham Green would remain longer than the length of the garden at No 13. However, the existing length, tapering and outer boundary of the gardens are factors that contribute to the historic significance of the heritage assets. The introduction of significant built development in the rear garden environment would reduce the spacious quality of the EGCA to the detriment of its character and appearance.
 8. I note the front building line of the proposed houses is designed to reflect the layout of the row along Eltham Green. Nonetheless, the appeal site is closer to the more recent houses in Keeling Road, so the benefits of this approach would be limited. A gap is proposed between the new houses, as along Eltham Green. It would allow glimpses into the EGCA from Keeling Road. However, this gap would be used for parking, which would detract from its appearance and limit views. Overall, there would be a harmful change to the appearance of the EGCA when viewed from Keeling Road.
 9. I note the proposed roof forms, materials and detailing would be similar to those at Nos 1 and 2. The new houses would also be somewhat subservient in scale. These design elements would have regard to the architectural significance of those buildings and the EGCA. The proposed rear oriel windows would not necessarily be out of place. However, these factors would not mitigate the harm I find to the historical significance of the assets.
 10. I have considered the side and rear extension built at No 13 Eltham Green. I am not aware of the background to this development. In any event, its context is different from that of the appeal site because it is located close to the existing buildings rather than at the end of a garden. The other examples provided are in different conservation areas and I have limited evidence of these schemes. In any case, each conservation area has a distinct context and significance, so the merit of such comparisons is limited.
 11. The appellant draws my attention to a new house on Keeling Road outside the EGCA. It is argued Keeling Road is currently "non-descript" and the proposal would add visual interest. I consider Keeling Road has its own distinct character reflecting the period it was built and influenced by the views into the EGCA. While the new houses would be of a similar scale to those in Keeling Road and

would create a small 'cluster', they have been deliberately designed to reflect the buildings on Eltham Green. The contrasting appearance and the loss of views into the EGCA would detract from the character of Keeling Road rather than add visual interest.

12. For the above reasons, I conclude the proposed development would neither preserve nor enhance the character or appearance of the EGCA. It would therefore harm its significance. I also conclude there would be harm to the significance of Nos 1 and 2 Eltham Green as non-designated heritage assets.
13. Paragraph 199 of the National Planning Policy Framework (the Framework) requires great weight to be given to the conservation of a designated heritage asset when considering the impact of a proposed development on its significance. I consider the harm to the EGCA would be less than substantial.
14. Paragraph 202 of the Framework states that, where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 203 adds that, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.
15. The appeal proposal would provide two additional units of family-sized accommodation in a location with an average level of access to public transport. Given the undisputed shortfall against the Housing Delivery Test (HDT) I refer to below, the provision of additional housing is a public benefit to which I ascribe moderate weight. There would also be economic benefits arising from the proposal, referred to in other matters. However, I consider these public benefits would not outweigh the harm I find to the significance of the EGCA or to that of Nos 1 and 2 Eltham Green. The proposal would therefore conflict with the Framework.
16. I also conclude the proposal would conflict with Policies D3 and HC1 of the London Plan (LP); Policies H(c), DH1, DH3, DH(h) and DH(j) of the Royal Greenwich Local Plan Core Strategy with Detailed Policies. These policies seek high quality design that preserves or enhances the character or appearance of conservation areas and does not harm their significance; protects and conserves the particular characteristics of locally listed buildings; and is of a scale, design and density that contribute positively to the character of the area and established pattern of development.

Other Matters

17. The appellant sets out that the HDT identifies a shortfall in the delivery of houses against the homes required. There is no evidence to the contrary from the Council. The new housing proposed would make a small contribution to increasing housing supply in the area and would help to meet London's housing needs by developing a small site, as supported by Policy H2 of the LP. The delivery of two houses would also contribute to local economic growth during the construction process and through future occupiers' use of local services and facilities. I give these benefits moderate weight.
18. The Council is satisfied with the proposed quality of accommodation, impact on the living conditions of neighbours, levels of cycle and car parking and waste storage arrangements. I see no reason to disagree with their conclusion on

these points. However, compliance with the development plan in these respects is a neutral factor.

19. It has been put to me the new houses would add to natural surveillance on Keeling Road, but limited evidence has been provided of a problem of pedestrian safety in this location. It is also argued the proposal would include measures to ensure carbon emissions reduction. However, there is little evidence the scheme would achieve a reduction beyond what is required under Building Regulations. Consequently, there is insufficient evidence that natural surveillance and carbon emissions reduction would be benefits of the proposal.
20. The scheme would result in a contribution to local infrastructure by way of the Community Infrastructure Levy. In accordance with the Planning Practice Guidance¹, it would not be appropriate to base my decision on the potential of the development to raise money for the local authority. Therefore, this consideration has not influenced my decision.
21. I have considered the argument that the length of the gardens at Nos 1 and 2 makes them difficult to manage and that the proposed development would make more effective use of the land. I note the far ends of the gardens have limited management at present. There is little evidence about the quality of planting there. However, whilst long, the gardens are not unduly large. They have potential to provide other benefits such as biodiversity, food growing or space for children's play. I therefore consider the appeal proposal would not necessarily be a more effective use of the land.
22. Even if the HDT shortfall would trigger the circumstances in paragraph 11(d) of the Framework, policies in the Framework that protect designated heritage assets provide a clear reason for refusing the proposed development in accordance with paragraph 11(d)(i). As such, the presumption in favour of sustainable development does not apply.

Conclusion

23. Overall, for the above reasons, I conclude the proposal conflicts with the development plan as a whole and there are no material considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.

C Carpenter

INSPECTOR

¹ Reference ID: 21b-011-20140612