



Appeal Decision

Site visit made on 18 May 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2023

Appeal Ref: APP/E5330/W/22/3308233

1-18 Shepherds Leas, 135 Riefield Road, Eltham, London SE9 2RD

- 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 Adrian Coots (Meridian Home Start) against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 21/4467/F, dated 14 December 2021, was refused by notice dated 1 August 2022.
 - The development proposed is demolition of the existing three-storey residential buildings and redevelopment of the site to provide 70 residential units (100% affordable) (Use Class C3) in a single building ranging in height from 5 to 9 storeys, with associated blue-badge parking and soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A new National Planning Policy Framework (the Framework) was published on 5 September 2023. I am satisfied that the limited changes made to the Framework are not relevant to the present appeal. Therefore, the new Framework does not affect the main parties' cases and it not necessary to seek further comments. References in the decision are to the 2023 Framework.

Background and Main Issue

3. The appeal site is located opposite Falconwood station at the junction of Rochester Way and Riefield Road. The roughly rectangular site contains two, three-storey blocks of flats in an L-shaped arrangement and is otherwise open with grassed areas between the buildings and to the front of the site facing Rochester Way. A parking area is located towards the rear corner of the site. The flats within the development have been vacant for some time.
4. The site is not subject to any designation, but significant areas around the site are designated as Metropolitan Open Land (MOL), including Sheperdleas Wood and extending to Oxleas Wood and Oxleas Meadows further north. The cemetery and Eltham Warren Golf Club, to the south and south-west respectively, also fall within MOL, as do extensive tracts of land beyond. Much of this north-south green corridor is also designated as a Site of Nature Conservation Importance (SNCI), with areas of Sheperdleas and Oxleas Woods further designated as Sites of Special Scientific Interest (SSSI).
5. The proposal is to demolish the existing buildings and construct 70 residential units within an L-shaped, part five-storey and part nine-storey building, with

associated hard and soft landscaping. The development would be 100% affordable housing, all at Discount Market Rent at 65% of market rent levels.

6. The application was recommended for approval by Council planning officers but was subsequently refused following a meeting of the Council's Planning Board, the main concern being the height of the nine-storey element of the building and its impact on the neighbouring area, the adjacent MOL and strategic views from Castlewood towards south-east London.
7. Therefore, the main issue is whether the proposal would represent an appropriate location for a tall building, having regard to the character and appearance of the area, the effect on MOL and selected strategic views. Should a finding of harm be made on this issue, it will be necessary to consider in the planning balance whether that harm is outweighed by other material considerations that would justify granting planning permission.

Reasons

Policy Context

8. Policy D3 of the London Plan (March 2021) (the LP21) seeks to optimise site capacity and make the best use of land through the design-led approach, with higher density developments to be promoted in locations which are well-connected to jobs, services, infrastructure and amenities.
9. Policy DH1 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (July 2014) (the LPCS) requires all developments to be of high quality design and to demonstrate that they positively contribute to the improvement of both the built and natural environments, taking into account factors including topography, landscape setting, existing townscapes, views, skylines, layout, spatial character, building scales and heights.
10. Policy D4 of the LP21 requires that the design of development proposals be thoroughly scrutinised by borough planning, urban design, and conservation officers utilising local evidence, and expert advice where appropriate. In addition, boroughs and applicants should make use of the design review process to assess and inform design options early in the planning process.
11. Policy D9 of the LP21 sets out that development plans should define what is considered a tall building for specific localities but they should not be less than 6 storeys or 18 metres. Where a tall building is proposed, visual, functional, environmental and cumulative impacts should be considered.
12. Policy DH2 of the LPCS sets out locations where tall buildings may be appropriate, with all other parts of the Royal Borough being considered inappropriate for tall buildings.
13. The Council has published two Tall Building Assessments (TBA) in 2011 and March 2023. The former was part of the evidence base for the LPCS and does not identify the Falconwood area as appropriate for tall buildings. The latter sets out an updated methodology which identifies additional potential locations for tall buildings, based on a number of factors. The appeal site is identified as a potential location for a singular local landmark building of no more than 7 storeys to mark Falconwood Station, intensify around it and provide a visual marker on approach from a number of surrounding streets.

Proposal and Site Context

14. The proposed building would occupy an L-shaped footprint with the focal point being a nine storey element addressing the junction of Riefield Road and Rochester way, with two five storey elements extending along each road frontage. The height of the building would range from 17.6 metres to 29.9 metres, with the elevations set back some 15 metres from each highway.
15. The bulk of the nine storey section would be punctuated by a central, vertical recess on the Rochester Road elevation with the facades staggered in depth to either side. The street facing elevations of the building would utilise glazed green terracotta tiles, interspersed by bronze metal finishes to the windows, sills, spandrels, parapets and balustrades. The balance of these materials would be reversed on the interior elevations.
16. The immediate surroundings of the site comprise a small cluster of mainly three storey buildings around the train station with predominantly suburban, two storey dwellings lining the streets beyond, particularly to the east between Lingfield Crescent and Wincrofts Drive and on Riefield Road to the south-west. Other notable features include the A2 dual carriageway which passes immediately to the south of the site, under Riefield Road. The railway line serving Falconwood station also passes directly north of the site.
17. The other key characteristic is the expansive Sheperdlea Wood which borders the western and northern sides of the site and extends several hundred metres in both directions. Further open spaces include Falconwood Field to the north-east and Eltham Cemetery and Crematorium to the south, across the A2.

Design and Layout

18. The existing site stands detached from the surrounding built form by Rochester Way and Riefield Road, with ample frontage to each road. As a result, the site occupies an individual position and is opportune for development which optimises the prominence of its corner position and the separation afforded by the surroundings. In this respect, I note the support in principle of the Design Review Panel for a tall building on the corner, and comments from the Council's Urban Design Officer that the site is suitable for a local landmark building. This also generally reflects the guidance of the TBA.
19. The building would embrace the concept of a local landmark through the height of the corner section, acting as a visual marker for the adjacent transport interchange and local shops. The layout would create strong frontages to both roads, with space to the front for landscaping that would help the development integrate at street level. I also note the purpose of the L-shape in keeping the building away from the adjacent woodland as far as possible. The combination of its shape, recessed position from the street and the retention of some 50% of the plot as open space/landscaping would ensure the building does not appear excessive in scale or cramped on the site itself.
20. In terms of detailed design, the mix of green terracotta tiles and bronze detailing would reflect the natural colours of the surrounding woodland. On the facades, the vertical emphasis to the tiling would be balanced by the horizontal emphasis of the balconies. The balconies through their projection forward of the façade but also their perforated metal railings, along with the angled window reveals would add depth and further articulation to the building. The

combination of gabion walls with natural stone and glass to the ground floor elevations would provide a solid base, but also active frontages, and would add a further layer of texture and interest to the building. The result would be considered facades that would create a visually interesting building on the site.

Scale and Massing

21. The proposed building would represent a significant increase in scale relative to the generally lower level surroundings. Its height would qualify it as a 'tall building' for the purposes of Policies D9 and DH2. Falconwood is not identified as a suitable location for tall buildings within Policy DH2. The Council has nonetheless considered the proposal against the aforementioned criteria of Policy D9. The Council does not argue that the proposal would have adverse functional, environmental or cumulative impacts, with concern related to the visual impacts in immediate, mid-range and long-range views, which I consider below.

Immediate Views

22. Policy D9 highlights the importance of the base of the building having a direct relationship with the street, maintaining a pedestrian scale and having an appropriate transition to the scale of surrounding development.
23. The scale of the building would be most clearly experienced in close range views from Riefield Road, Rochester Way and Lingfield Crescent. At nine storeys, it would exceed the 7 storey height recommended by the TBA. Whilst I note that the TBA does set out that a 'local landmark building' may be up to three times the prevailing context height, it was clear from my site visit that the immediate area has an established, low level suburban scale with a notable absence of more intensive urban development. Consequently, the proposed building would contrast starkly with the surrounding character of the area.
24. I recognise that the five storey elements would be closer in height to surrounding buildings and would provide a degree of transition in height to the nine storey element, as advocated by Policy D9; however, the absence of any other buildings between four and eight storeys and the significantly greater massing of the proposed building would be more influential factors that would result in the building appearing starkly taller and bulkier than the immediate surrounding development, further contrasting it with its surroundings.
25. The vertical presence of the building would be moderated to some extent by its detached position from other development, such that the building would be observed by itself in many close range views. The mature trees to the Rochester Way frontage and surrounding the Lingfield Crescent/Wincrofts Drive roundabout would also provide some screening at street level. However, at close range, the stark disparity in height and massing with surrounding development would still be clearly seen. Although Falconwood is a transport interchange with a small commercial area, it is not a prominent local or district centre and there is little by way of denser, urbanising development within the immediate area that may contextualise a proposal of this height, scale and prominence.
26. Instead, the building, though well considered in its individual design, would be of a scale and massing that would bear little relation to its surroundings, being more suited in my view to a more intensively developed area. The position of

the building adjacent to woodland would also present an abrupt transition between the built and natural environments that would add further conflict. Therefore, having regard to the modest scale and function of the Falconwood area, I find that the building at up to nine storeys would form a dominant and uncharacteristic development that would fail to reflect the established suburban character of the immediate surroundings.

Mid and Long Range Views

27. The Council's reason for refusal refers to the effects of the proposal on the adjacent MOL. MOL is a land use designation with the same status as Green Belt in national policy, the aims of which are to prevent urban sprawl by keeping land permanently open. The site is not located within MOL, but adjacent to it, and therefore the proposal would not directly offend any of the five purposes of the Green Belt/MOL set out in the Framework.
28. Notably, despite the reference to MOL in the reason for refusal, the Council does not cite conflict with its Policy OS(a), which requires consideration of the potential effects of a proposal on the visual amenity, character or use of MOL. However, neither the Framework nor LP21 Policy G3 set out that Green Belt/MOL is a designation specifically related to the quality of the landscape or the preservation of particular views or character. As such, I find Policy OS(a) is not consistent with the Framework and therefore attracts limited weight.
29. Similarly, the Council did not cite Policy DH(l) in its reason for refusal but does refer to it in its statement of case. This policy requires consideration of the character, scale and quality of open spaces, skylines and views within ASCs. I have had regard to this policy in considering the proposal.
30. Policy D9 sets out that in mid-range views, the form and proportions of the building should make a positive contribution to the local townscape in terms of legibility, proportions and materiality. The Council points to the viewpoints within the appellant's Landscape and Visual Impact Assessment (LVIA) from Lingfield Crescent (VP2) and Riefield Road (VP4) in support of its position. I agree that in both views, the building would form a prominent terminating feature at the end of each road. In these views, the scale of the building would draw the eye as a local landmark next to the commercial area and transport interchange.
31. From VP2, the separation distance between the appeal building and the nearest built form would help to moderate the difference in scale, with the height and filtering effect of trees around the site further softening its visual impact in these mid-range views from the east, which would still retain the established suburban townscape in the foreground, albeit the harmful scale at close range would become a factor in closer views along Lingfield Crescent.
32. From VP4, the A2 underpass creates a demonstrable gap in the street scene, such that the appeal building would not appear as an immediate continuation of the consistent suburban character of the semi-detached dwellings on Riefield Road. However, whilst the building would first rise to five storeys, it would be the nine storey scale that would be more clearly seen above the street trees. Whilst I accept the intent to create a landmark necessitates height, the height and scale of the development would introduce a more intensive, urban character that would contrast markedly with the established and consistent

- pattern of dwellings. The proposal would impose on, rather than integrate with, the existing suburban character in this mid-range view.
33. I also took in the view from Falconwood Field (VP7). This area is a notable natural pocket of open space enclosed by woodland to the north and west, with housing to the eastern side filtered by a further tree line. The Eltham Grid Substation forms a prominent feature on the southern side, most notably the large office building and transformer array. These structures offer a reminder of the wider urban surroundings beyond the field, but they retain a generally low level and are not prominent beyond their immediate area. The appeal building would be seen in this context beyond the substation office block and amid the treeline, where the use of green and brown colour on the building façades would soften its appearance. Even with this use of sympathetic colour, several of the upper storeys of the proposed building would stand above the tree line and present an uncharacteristic scale of development and urban form at odds with the mainly natural character of this space and the lower level suburban development which prevails within the surroundings.
34. I also observed from VP13 of the LVIA, which shows the appeal building would appear above the treeline to the north-western side of the cemetery. Cemeteries, by their nature, are spaces where separation from the surrounding environment and a sense of tranquillity are valued by visitors, and views tend to be within the space rather than beyond it, particularly when well enclosed by trees as in this case. In this context, the height of the appeal building above the tree line would form a conspicuous urban element that would jar with the enclosed, natural environment which has been cultivated within the cemetery.
35. In terms of longer range views, Policy D9 states that the top of the building should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views. The Council in its statement of case accepts that strategic views from Castlewood towards south-east London would not be adversely affected by the proposal. I observed from a number of vantage points from this direction as set out by the appellant in their statement of case (Photographs 1 to 6) and I agree that the site is not readily visible from these positions, due to screening by close range and long distance tree cover.
36. I also observed from high ground by the café at Oxleas Wood. From here, Sheperdleas Wood occupies the middle ground of views and forms a continuous blanket of tree cover across a wide vista. In these views, the proposed building would stand above the treeline at a distance of just over one kilometre. Swathes of south-east London can be seen in the distance beyond the wood, with isolated large buildings discernible. However, the wood serves to effectively screen the urban landscape beyond and create a high quality, natural pocket within this part of south-east London. This is enhanced by the absence of tall buildings surrounding the wood. The visibility of the proposed building above the treeline would introduce an alien, urban feature that would undermine the natural character of this view. Therefore, I find that the proposal would have a harmful effect on this long range view from the north-west. From other directions, the proposal would not be prominent in long range views due to the intervening built form, treescapes or topography.
37. I recognise that the visibility of the building in these views would conversely achieve the wayfinding purpose of a landmark building. However, having observed the site and surroundings, I find that the TBA assessment of seven

storeys being a maximum height for the site appropriately reflects the modest scale and function of the Falconwood area. The proposed nine storeys would not be significantly different to seven, but for the reasons set out it would render the building more prominent in a number of views where its overall height and scale would fail to reflect the prevailing low level, suburban context.

Conclusions on Main Issue

38. Notwithstanding the high quality design of the building itself and the fact that it would redevelop a prominent site subject to long-term vacancy, when considered against the visual impact criteria of Policy D9 the proposal would cause significant harm to the character and appearance of the area in immediate, mid-range and certain long range views. The proposal would therefore conflict with Policy D9 and with the aims of Policy DH1 of the LPCA and D3 of the LP21 that all developments be of high quality design and demonstrate that they positively contribute to the improvement of both the built and natural environments. There would be no conflict with the protection of strategic views under Policy DH(g) given my findings above with respect to the views from Castlewood. However, the policy conflicts identified, coupled with the locational conflict with Policy DH2, means the proposal would not represent a suitable location for a tall building.
39. There would also be conflict with the aim of the Framework that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, in particular that developments should function well; add to the overall quality of the area over the lifetime of the development and be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Material Considerations

40. The Council has not opposed the proposal in respect of any other grounds. I recognise the high level interest the application generated and have had regard to the representations made by members of the public, local organisations and consultees, both in my considerations of the main issue and in various other matters I address below.

Provision of Housing

41. The proposal would deliver 70 affordable dwellings. The provision of affordable housing and its mix of size and tenure, is guided by a suite of policies, including Policies H4, H5, H6, H8 and H10 of the LP21 and Policies H2 and H3 of the LPCS. The proposal for 100% affordable housing would exceed the 50% target of Policy H4, but the choice of 100% Discount Market Rent would not comply with Policies H3 and H6 which set out criteria for the tenure split based in part on meeting locally identified needs. However, in replacing 18 socially rented units vacant since 2008 with 70 new units, in a mix of sizes including a significant number of three-plus bedroom units suitable for family occupation, the proposal would deliver undoubted benefits in terms of addressing the Royal Borough's housing needs.
42. Moreover, the Council is presently able to demonstrate a housing land supply of only 3.1 years. Consequently, the provision of new housing at a time when the Council is unable to demonstrate a sufficient supply of housing sites within its administrative area is a benefit weighing considerably in favour of the proposal.

Transport and Highway Safety

43. The proposed development would be car-free except for three disabled parking spaces. The site has a reasonable PTAL score of 3 with access to Falconwood train station and several bus routes directly across the road. Despite this, there is concern from local residents that the lack of on-site parking would increase demand for car parking on surrounding streets. The appellant's evidence indicates the development would generate demand for around 17 additional vehicles, and that the average parking stress in the area is 36%. I have no firm evidence to doubt these findings, which indicate that the surrounding area is not subject to significant parking stress and additional parking demand could be accommodated without causing noticeable disruption or inconvenience. I also note that nearby streets within the London Borough of Bexley are subject to parking restrictions to deter commuter parking that would remain in force and prevent additional parking demand spilling onto these streets.
44. The proposal would include funding for provision of a controlled crossing point on Rochester Way to provide safe access from the development to Falconwood station and adjacent bus stops, as well as 130 secure cycle parking spaces, both of which would encourage sustainable modes of transport in line with the aims of the LP21 and the Framework.

Biodiversity

45. The site is outside, but adjacent to, Sheperdleas Wood and Oxleas Wood, which are designated as MOL, SSSI, SNCI and a Local Nature Reserve. The appellant's evidence concludes that the site is of low value to wildlife with no direct connection to the SSSI, being separated by the railway line. The evidence further sets out that the proposal would have negligible effects on the adjacent designated sites with respect to overshadowing, light spill, loss of habitat and aerial obstruction, with any negative effects being outweighed by proposed ecological enhancements, including biodiverse roofs, new planting, wildflower areas, bat and bird boxes, dead wood piles, fence gaps and a long-term management plan. Having observed the site and the physical barrier of the railway line, I have no reasons to doubt these conclusions and I am content that the mitigation and enhancement measures could be secured by condition to deliver net benefits in terms of biodiversity.

Sustainability

46. The appellant's Energy Strategy sets out that the proposal would deliver a true net zero carbon development, the details of which have been confirmed as credible by the Council's external consultant. I have no reasons to doubt the appellant's evidence in this respect, or that which indicates that the development would achieve relevant standards for water efficiency.

Other Issues

47. In terms of effects on neighbouring residents, the nearest would be some 65 metres away on Riefield Road and 75 metres away on Lingfield Crescent, both separated by main roads. Having observed their location on site, I am satisfied that the development, despite its proposed height, would not cause undue loss of outlook or privacy, or increased sense of enclosure. I also note the conclusions of the appellant's Daylight and Sunlight report which finds that neighbouring dwellings would not suffer material losses in these respects, or

the findings of the Wind Microclimate Report that the proposal would not create unacceptable wind conditions for pedestrians and residents within and around the site. Therefore, I am satisfied that the proposal would maintain suitable living conditions for neighbouring residents.

48. The evidence also indicates that the proposal would provide a suitable standard of accommodation for prospective occupants, including with respect to fire safety, internal floorspace, outlook, privacy, sunlight and daylight, private external amenity space and children's play spaces. The proposal would also meet the requirements of LP21 Policy D7 for provision of wheelchair user and accessible and adaptable dwellings.
49. The Council has not identified harm in respect of other environmental matters, including flood risk and drainage, air quality, land contamination and trees. Having regard to the evidence before me, I am not led to conclude differently to the Council in these respects.

Planning Obligations

50. The proposal would generate requirements for financial contributions in respect of a number of matters, including various transport related initiatives, health infrastructure and local labour and business service. In addition, there are obligations to secure the provision of affordable housing, highways work, carbon offsetting, employment and training initiatives. Having regard to the evidence before me, I am satisfied that these obligations are necessary to offset the impacts of the development and accord with the relevant tests for obligations set out in the Framework.
51. In this case, the appellant states they do not presently have an interest in the land, and consequently cannot enter into a Section 106 agreement at this time. Instead, the parties have entered into an agreement under Section 111 of the Local Government Act 1972, which would set the parameters of a condition requiring the completion of Section 106 agreement to secure the aforementioned obligations. The Planning Practice Guidance (PPG) sets out that in exceptional circumstances, such a condition may be appropriate where there is clear evidence that the delivery of the development would otherwise be at serious risk and the tests for planning conditions are met.
52. As I have found that a planning obligation is necessary to address a number of requirements, its absence would point to the dismissal of the appeal which self-evidently would prevent the development from proceeding. Therefore, I consider this to be an exceptional circumstance where, in the event the appeal is to be allowed, a negatively-worded condition would be justified to secure the necessary planning obligations.

Planning Balance and Conclusion

53. The proposal would comply with the development plan in a number of respects, in particular the redevelopment of a brownfield site and the provision of new affordable housing. However, the proposal would conflict with the locational requirements for tall buildings and cause harm to the character and appearance of the area. Therefore, the proposal would conflict with the development plan, taken as a whole.
54. The Council cannot demonstrate a five year supply of deliverable housing sites. On the basis of my assessment above, there is no harm identified to any area

or asset of importance as defined by Footnote 7 of the Framework. Accordingly, Paragraph 11(d)(ii) of the Framework is engaged which sets out that planning permission should be granted unless the adverse impacts of the development significantly and demonstrably outweigh the benefits when considered against the Framework as a whole.

55. The proposal would cause significant environmental harm through the adverse effects identified to the character and appearance of the area, conflict with development plan policy and guidance in terms of the location of tall buildings, and conflict with the design-related aims of the Framework.
56. Set against this, the proposal would provide 70 new dwellings at a time when the Council is unable to demonstrate a sufficient supply of deliverable housing sites and, moreover, the dwellings would be 100% affordable, exceeding the policy requirements and helping to address a pressing local need. These are benefits that would accord with the Framework aim of boosting the supply of housing nationally that attract considerable weight in the circumstances.
57. In addition, there would be limited benefits from making effective use of previously developed land; biodiversity net gain, new pedestrian infrastructure and new landscaping. There would be inevitable economic benefits deriving from the construction process and subsequent engagement by new occupants in the local economy, though these would arise in respect of any development on the site and the construction benefits would be temporary. Other factors, including planning obligations, would be required to offset the impacts of the development, and so would be neutral considerations in the planning balance.
58. Overall, the cumulative benefits of the proposal are considerable. However, my findings that the proposal would not be in a suitable location for a tall building having regard to relevant development plan policies and the specific effects of the proposal on the character and appearance of the area are matters of overriding concern in this case that would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework, taken as a whole.
59. Consequently, the Framework does not indicate that permission should be forthcoming, and there are no other material considerations that would justify a decision being made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR