



Appeal Decision

Site visit made on 5 December 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2024

Appeal Ref: APP/E5330/W/23/3323362

St. James NHS Pharmacy, 52 Powis Street, London SE18 6LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by BKS Consultants against the decision of the Council of the Royal Borough of Greenwich.
 - The application reference is 22/3111/F.
 - The development proposed is the construction of a second-floor rear extension with side and rear windows and rear door access to facilitate three one-bed, self-contained flats over second and part of first floors (Use Class C3) while retaining the shop unit at ground and part of first floor. Installation of replacement aluminium windows, new shopfront and front access doors and associated external alterations.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The description of development in the banner heading above is taken from the appeal form. I have used it in preference to the wording on the planning application form as it provides a more accurate description of the proposal. The description originally used included a reference to the proposal being a resubmission of a scheme granted planning permission in 2017 ("the 2017 permission")¹ but which has since lapsed. I address this in the "other matters" section below.
3. The Government published revised versions of the National Planning Policy Framework ("the Framework") on 5 September 2023, replacing the July 2021 version extant at the time the application was determined, and again on 19 December 2023. The amendments made did not have any bearing on the main issues in this appeal, and it was not therefore necessary to seek comments from the main parties on the updated Framework. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the Woolwich Conservation Area ("the WCA");

¹ LPA Ref: 16/4271/F

- Whether the proposed flats would provide acceptable living conditions for future occupiers, with particular regard to living and amenity space, daylight and sunlight, outlook, and natural ventilation; and
- Whether the development would make adequate provision for the storage and collection of refuse and recycling.

Reasons

5. The appeal property is a three-storey building on the north side of Powis Street, within the commercial and shopping core of Woolwich Town Centre. There is a pharmacy on the ground floor, for which the first floor provides ancillary office and storage space; the second floor is further office and storage space, though now vacant.
6. The proposed development is the conversion of the front part of the first floor, and the whole of the second floor, to create three one-bedroom flats. The Powis Street shopfront would be altered, and a small part of the ground floor retail unit lost, to provide a new door and staircase giving access from the street to the residential accommodation above. An extension would be constructed above the rear of the first floor to accommodate part of the rear second-floor flats. Bin and cycle storage would be at the rear, accessed from within the building via an existing external steel staircase.

Character and appearance

7. The appeal site lies within the WCA, and I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 195 of the Framework states that heritage assets are irreplaceable, and should be conserved in a manner appropriate to their significance. It goes on to say at Paragraph 206 that any harm or loss requires clear and convincing justification, and at Paragraph 208 that any harm that is less than substantial must be weighed against the public benefit of the proposal.
8. The Council's 2022 *Woolwich Conservation Area Character Appraisal* ("the Character Appraisal") summarises the significance of the WCA as being derived from a wide range of factors. These include the way it highlights the town's fine commercial, civic, cultural, co-operative and ecclesiastical buildings from the 18th to 20th centuries, its development from a historic market town to a thriving commercial centre, its predominantly low-rise built form, coherent townscape, and characteristic materials. The appeal property is part of a group of buildings identified as making a neutral contribution to the WCA. Based on what I saw during my site visit, nothing leads me to disagree with the Character Appraisal's assessments insofar as they relate to this appeal.
9. Part of the existing flat roof of the first floor would become an external terrace for the rear second-floor flat. The submitted plan drawings show that it would be enclosed by the existing brick parapet wall and a balustrade, although no further details of the design of the balustrade have been provided. The Council's 2018 *Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document* ("the SPD") advises that proposals for roof terraces and balconies will need to demonstrate that careful attention has been paid to aspect, privacy, outlook and appropriate screening. The Council did not express concern about privacy or outlook in respect of the terrace, but was of

the view that any balustrading or screening would “add substantial bulk to the rear elevation”.

10. Based on all the evidence before me (including the Character Appraisal and my observations during my site visit), I acknowledge that roof terraces and balustrades do not appear to be a common feature of the WCA (though there are numerous buildings with balconies and balustrades in the wider surrounding area). The terrace would be in a relatively enclosed location at the rear of the appeal site, overlooking a narrow alleyway where, rather than displaying uniformity, most buildings appear to have been extended or altered in some way. There are various additions to buildings including fire escape staircases, rooftop extractor or condenser units, and suchlike. It is therefore not at all clear to me why a balustrade would necessarily be intrusive or otherwise harmful in this case.
11. Given the location of the site within the WCA, I agree it is important that the form and design of the proposed balustrading should be given appropriate consideration. However, in view of the terrace’s discreet setting at the rear of the building, and the consequent likely limited visual impact of a balustrade, these are matters which (were the proposal acceptable in all other respects) could be satisfactorily addressed by a condition requiring the submission and approval of such details before the occupation of the proposed dwellings.
12. Other elements of the scheme, including the alterations to the Powis Street elevation, would be acceptable in terms of their effects on the character and appearance of the area. Subject to a condition in respect of the balustrade, I am satisfied that the character and appearance of the WCA would be preserved. The proposed development would not therefore conflict with Policies DH1, DH3, DH(a) or DH(h) of the 2014 Royal Greenwich Local Plan Core Strategy (“the LPCS”), or with Policies D3 or HC1 of the London Plan 2021. Together, and among other things, those policies seek to ensure that development (including residential conversions and extensions) is well-designed and maintains the character of the area, and that heritage assets including Conservation Areas are protected and enhanced.
13. The proposal would also comply with the provisions of the Framework which seek to conserve and enhance the historic environment. As I do not find that the proposal would cause harm to or loss of heritage assets, it is not necessary to apply the public benefit test set out in Paragraph 208 of the Framework.

Living conditions

14. Policy H5 of the LPCS requires a “good-sized” balcony, terrace or enclosed communal gardens for flats. D6 of the 2021 London Plan applies internal space standards for residential development which reflect the Nationally Described Space Standard², and also requires that a minimum of 5m² of private outdoor space should be provided for one and two-person dwellings.
15. Flat A at the front of the first floor would measure around 51.0m²; on the second floor Flat B at the front would measure around 59.4m², and Flat C at the rear around 55.8m². On the face of things, all three flats would therefore exceed the minimum internal space requirement of 50m² for a one-bedroom two-person dwelling set out in the development plan.

² *Technical housing standards – nationally described space standard*, Department for Communities and Local Government 2015

16. Externally, Flat C would have the terrace described in the preceding section which, with an area of around 37m², would comfortably exceed the development plan space requirement for private external space. Flats A and B, however, would not have any private external amenity space.
17. The supporting text to Policy H5 recognises that in some situations, site constraints may mean that a lower provision of private amenity space could be acceptable. The Mayor of London's 2016 *Housing Supplementary Planning Guidance* ("the SPG") advises that in exceptional circumstances, instead of outdoor space, dwellings may be provided with additional internal living space, in which case the equivalent of the private open space requirement should be added to the internal space requirement. This indicates that Flats A and B should be at least 55m² each; while Flat B would achieve this Flat A would not.
18. Flat A is shown with a double bedroom on the submitted drawings, though an occupier *could* of course decide to use it as a single bedroom. The appellant has pointed out that Flat A would exceed the minimum space requirement for a one-bedroom, one-person flat by 13m² which, it is implied, would more than compensate for the lack of external space. However, the bedroom would be larger than the development plan 11.5m² minimum requirement for a double bedroom and, regardless of the appellant's intentions at this stage, would be likely to be used as a room for two people at some point. The occupancy of a bedroom is not a matter which in my view could be controlled by a condition, and I therefore consider it right to assess Flat A as a two-person dwelling. As such, the lack of external space and corresponding lack of additional internal space mean that flat would be likely to provide cramped and poor-quality accommodation for its occupiers.
19. Policy D6 of the London Plan 2021 states that single aspect dwellings should normally be avoided, while Policy H5 of the LPCS states that there will be a presumption against single-aspect north-facing units. The SPG advises that dual aspect dwellings with opening windows on at least two sides have many inherent benefits, including better daylight, a greater chance of direct sunlight for longer periods, and natural cross-ventilation. Flats A and B would be single aspect, but south-facing. Flat C would be north-facing; it would have a window on a side elevation of the bedroom but this would be small, at a high level, and fixed shut. It would not increase cross-ventilation, and would offer limited outlook; to all practical and purposes Flat C would therefore effectively function as a single aspect dwelling, even if it would not be one as a matter of fact.
20. The proposed development is for the adaptation and extension of an existing building in a town centre location which is constrained by, among other things, its layout and the presence of buildings on either side. I recognise therefore that the site-specific circumstances suggest that some flexibility on this point may be appropriate. However, while the main windows would be augmented by rooflights in the kitchen area and in the bathroom (as well as "sun tubes") in the hallway, there is no information before me which demonstrates that Flat C would receive adequate daylight and sunlight. I therefore cannot be certain that the flat would provide acceptable living conditions in these respects, even if openable rooflights would ensure a degree of through-ventilation.
21. There are assorted flues and various plant on the rooftops around the appeal site, which the Council considered would result in the external terrace providing a poor-quality amenity area for Flat C. As the flat would exceed the minimum

space standards, the Council considered overall that the poor quality of the amenity space would not unacceptably harm future occupiers' living conditions. During my site visit one extract flue serving a neighbouring fast-food restaurant was emitting strong odours from the cooking of meat (I assume, judging by the smell), very close to the site boundary. This raised considerable doubt in my mind as to whether the terrace would be suited to performing its intended role as amenity space for Flat C. However, I have not sought further comment from the main parties on this point as it could not alter my overall conclusion on this matter.

22. I conclude that the proposed development would not provide acceptable living conditions for future occupiers, with particular regard to daylight and sunlight, and outlook. Because of this, it would conflict with Policies H5 and DH1 of the LPCS, and with Policy D6 of the London Plan 2021. Together, as well as setting out the technical requirements which I have described above, these policies seek to ensure that development is well-designed, that housing is comfortable and functional with adequate passive ventilation and sufficient daylight and sunlight, and that the usability of outside amenity space is maximised.

Refuse and recycling

23. Waste and recycling bins for the three flats would be stored in the yard at the back of the building next to the rear alleyway, with a separate enclosure for waste from the pharmacy. The Council's 2018 *Guidance Notes for the storage and collection of waste and recycling materials* ("the Waste Guidance") advises that communal bin storage should be accessible and convenient to all households, within a close walking distance (30m is suggested) from each flat to the bins.
24. To get to the bins, occupiers of Flat A on the first floor would need to climb the internal stairs to the second floor, walk to the back of the building, then descend two storeys to ground level via the external rear staircase. From the submitted drawings it appears that this could well exceed the 30m maximum walking distance set out in the Waste Guidance (I have not been provided with precise details), but in any case it would be a convoluted and inconvenient route for those residents.
25. The Waste Guidance also requires that the walking distance for refuse operatives from the container storage area to the refuse collection vehicle is no more than 15m. Waste and recycling bins would be collected from a vehicle stopping point on Macbean Street north-west of the appeal property, with waste collection operatives needing to walk to the rear of the appeal site along the alleyway. The appellants acknowledge that this would exceed the 15m maximum set out in the Waste Guidance.
26. The appellants have suggested that the storage and collection of refuse and recycling from the site could be addressed by the imposition of a condition requiring the submission and approval of, and adherence to, a waste management plan, as had been the case for the 2017 permission. However, while that could potentially deal satisfactorily with the question of how waste and recycling would be collected from the site, it would not address the shortcomings in respect of access to the bins from Flat A.
27. I conclude that the development would not make adequate provision for the storage and collection of refuse and recycling, and the proposal would therefore

conflict with Policies DH1 and H5 of the LPCS and Policy SI7 of the London Plan 2021. Together, and among other things, these policies require development to achieve a high quality of design, to function well, and to provide adequate, flexible and easily accessible storage space for waste and recycling.

28. I find no specific conflict on this matter with Policy SI8 of the London Plan 2021 which was also referred to in the decision notice; though that policy addresses waste, it is directed towards waste capacity and management at a strategic level, so is not obviously relevant to the detail of a relatively small-scale residential development. This does not, of course, negate the other conflict which I have found on this matter.

Other Matters

29. The appellants argued that the appeal scheme should be approved as it is essentially a resubmission of the lapsed 2017 permission. I have not been provided with full information relating to the 2017 permission, but note that there have apparently been some changes of details within the scheme. There have also been policy changes since the earlier permission was granted, notably the designation of the WCA in May 2019 (notwithstanding that I have not found harm in respect of the conservation area), and the adoption of the latest London Plan in 2021. The previous grant of planning permission does not therefore carry significant weight in favour of the appeal scheme, which I have determined on its own planning merits and with reference to the development plan and associated guidance as they now stand.

Planning Balance and Conclusion

30. The Council's evidence indicated that it is only able to demonstrate a housing land supply of 3.1 years. In line with Footnote 8 of the Framework, I therefore consider that the most important policies for determining the appeal should be considered out of date, and the presumption in favour of sustainable development set out in Paragraph 11 d) of the Framework applies. As such, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
31. The proposed development would provide three new dwellings on a site very close to a wide range of shops and other services, and would bring a currently underutilised part of a town centre building back into productive use. Given the very small scale of the scheme, this would represent a modest social and economic benefit which, in total, carries moderate weight in favour of the proposal.
32. I have found that the development would not have a harmful effect on the Woolwich Conservation Area, and the Council had no "in principle" objections to the scheme. These matters are all neutral factors in the overall balance.
33. The proposed development would not provide acceptable living conditions for future occupiers, and I consider that its deficiencies in this respect would be significant. There would be further shortcomings in respect of arrangements for the storage of waste and recycling. As such, there would be conflict with the provisions of Chapter 12 of the Framework which seek to achieve well-designed places. In particular, the proposal would not accord with the requirements of

Paragraph 135 which, among other things, seek to ensure that development functions well, with a high standard of amenity for existing and future users.

34. Overall, I consider that the harm from the development would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. The proposal would not amount to sustainable development in the terms set out in the Framework.
35. Section 38(6) of the Planning & Compulsory Purchase Act 1990 and the Framework state that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
36. The proposed development conflicts with the development plan, taken as a whole. There are no material considerations, including those of the Framework, that indicate the proposal should be determined other than in accordance with the development plan.
37. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector