



Appeal Decision

Site visit made on 12 March 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2024

Appeal Ref: APP/E5330/W/23/3326443

2A and 3 Barnard Close, Woolwich, Greenwich SE18 6JQ

- 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 P and B London Ltd against the decision of the Council of the Royal Borough of Greenwich.
 - The application ref is 23/0051/F.
 - The development proposed is erection of roof extension to create an additional storey resulting in a three-storey building, erection of a first floor rear extension, erection of balconies and associated external works. Internal alterations to allow for the change of use of first floor level from office (Use Class E(g)(i)) to residential (Use Class C3) to accommodate 2no. studio flats and 2no. 1-bedroom flats across first and second floor level. Erection of flue extraction system to the rear of the building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was amended in December 2023. The main parties were given the opportunity to comment on this, specifically the revisions made to the approach for maintaining a supply and delivery of housing. References in the decision are to the December 2023 Framework.
3. The address and description of the development proposed in the banner heading is taken from the Council's decision notice and appeal form. These descriptions tally with the submitted plans and were the basis on which the Council reached its decision. I have proceeded on this basis. The address used on the application form is '2A' Barnard Close. The description of the development proposed on the application form is to 'construct a new 2nd floor on top of the existing two-story building to make a three-story building. The existing 1st floor will retain the existing live/work unit and a new live/work unit will be added. Second floor two more live/work units will be added. The ground floor to remain as commercial. Purpose is to create 3 more additional live/work units.'
4. The Council has not raised a concern about the proposed external kitchen flue. Based on the submitted evidence and my site visit observations, I have no reason to take a different view. My decision is therefore focussed on the other elements of the proposal.

Main Issues

5. The main issues are:

- the effect of the proposal on the supply of employment floorspace;
- the effect of the proposal on the character and appearance of the host property, the surrounding area, and the Woolwich Conservation Area; and
- whether the proposal would provide acceptable living conditions for future occupiers with regard to outdoor amenity space.

Reasons

Employment Floorspace

6. Policy E4 of the 2021 London Plan seeks to ensure that there is a sufficient supply of land and premises to meet current and future demands for industrial and related functions. Policy E7 of the London Plan requires that development plans and development proposals should be proactive and encourage the intensification of business uses.
7. The proposal would not result in a change to the current use of the ground floor of the building which is a café/restaurant. Notwithstanding the appellant's description of the first floor as a live/work unit, based on the submitted evidence and the description of the development, the permitted use of the first floor is office accommodation. This also tallies with the first floor layout shown on the submitted 'existing floor plans' drawing (reference 22/2A/EX 101), which broadly coincides with what I observed during my site visit. In my judgement therefore, the appeal property has an employment use.
8. The appellant identifies that each of the residential units would have a dedicated space for a desk. This is shown on the 'proposed floor plans first and second floor and roof plans' drawing (reference 22/2A/P102). I appreciate that many people now undertake a hybrid pattern of working, with a mix of working from home and at their place of work. However, what is shown on the proposed floor plans is not materially different from a typical dwelling which will often accommodate an element of home working. Furthermore, there is nothing substantial in the appellant's evidence, including the Statement of Alterations, that would differentiate the proposed accommodation from other dwellings in terms of employment uses.
9. On this basis, the proposal would result in the loss of employment floorspace. Consequently, the employment potential of the site would not be maximised, as required by the first part of Policy EA(a) of the 2014 adopted Royal Greenwich Local Plan Core Strategy with Detailed Policies (the Local Plan).
10. Even if I were to take the first floor as vacant in terms of its employment use, the proposal would still have to satisfy the criteria in the second part of Policy EA(a) of the Local Plan. In this respect, there is no clear evidence before me that demonstrates that the appeal property is environmentally or physically unsuitable for any employment generating use; that marketing on a fair price and terms for at least two years has taken place and this indicates that there is no realistic prospect of any form of employment arising; or that employment is only viable within a mixed-use scheme.

11. Consequently, I conclude that the proposal would result in the loss of, and therefore harm to, the supply of employment floorspace. Accordingly, the proposal would conflict with the requirements of Policies E4 and E7 of the London Plan and Policy EA(a) of the Local Plan, as summarised above.

Character and Appearance

12. The appeal property lies within the Woolwich Conservation Area (the Conservation Area). Based on my site visit observations and the submitted evidence including the Conservation Area Appraisal¹, the significance of the Conservation Area is, in part, derived from its architectural and historic interest associated with the development of Woolwich as a riverside settlement and its evolution as a commercial centre, and the evidence it provides of the architectural style and building techniques of the time.
13. Powis Street is a key route from the river and one of the main shopping streets in Woolwich Town Centre. It comprises mainly three storey properties dating from the Victorian period interspersed with more modern developments. The buildings on Barnard Close, including the appeal property, appear subservient to those on Powis Street. This is due, in part, to their more modest scale including lower building heights. The significance of many of the older buildings in this area lies in their group value. Their scale and appearance results in a streetscape which is illustrative of the historic development of this commercial area and contributes positively to the character and appearance of the Conservation Area. The appeal property, through its age and being part of this group of buildings, also makes a positive contribution to its character and appearance.
14. While the proposed residential use of the upper floors would be consistent with several other buildings in the vicinity, the proposal would markedly change the character and appearance of the appeal property. The proposal to add an additional floor and a rear extension would significantly add to its scale and massing. As a result, the building would appear disproportionately larger than the adjoining one. Furthermore, it would be of a similar scale to the buildings on Powis Street. As such, it would visually compete with the locally listed buildings that are on the corner of Powis Street and Barnard Close. Due to the changes proposed to the appeal property's scale and massing, the proposal would undermine an appreciation of the hierarchy of scale and appearance in the built form in the vicinity that is a distinctive character of the area. Consequently, the contribution that the appeal property makes to the significance of the Conservation Area, including through the group value, would be diminished.
15. The retention of architectural features and the use of matching materials and fenestration would not adequately mitigate the harm that would be caused by the scale and massing of the proposal.
16. For these reasons, I conclude that the proposal would result in harm to the character and appearance of the host property, the surrounding area, and the Conservation Area. The proposal would not therefore preserve or enhance the character or appearance of the Conservation Area.

¹ 2022 Woolwich Conservation Area Appraisal Supplementary Planning Document

17. In terms of the Framework, I assess the harm to the Conservation Area as less than substantial. Even so, less than substantial harm does not equate to a less than substantial planning objection, especially where national policy expectations for conserving such assets have not been met. In such circumstances, paragraph 208 of the Framework states that the harm should be weighed against the public benefits of the proposal.
18. Although the proposed housing mix would not be in line with the aims of Policy H2 of the Local Plan, the proposal would nevertheless contribute (numerically) to housing supply in a location that is close to services and facilities and in an area with an acknowledged lack of forward supply. The proposal would lead to some, albeit time-limited, economic benefit during the construction phase. Future occupiers may make a more general economic and social contribution towards supporting services and facilities in the local area.
19. Those implications may be considered positive public benefits. However, the weight that I can ascribe them in terms of four dwellings is limited. They do not represent 'clear and convincing justification' for harm to or loss of significance of the designated heritage asset, as required by paragraph 206 of the Framework.
20. Accordingly, the proposal would conflict with Policies HC1 and D3 of the London Plan and Policies DH1, DH3, DH(h) and DH(j) of the Local Plan. Amongst other considerations, these policies seek to preserve or enhance the character or appearance of conservation areas and locally listed buildings and ensure a high quality design that responds to local context. There would also be conflict with chapter 16 of the Framework as summarised above and the guidance in the Conservation Area Appraisal.
21. The Council refers to Policy D4 of the London Plan in relation to this main issue. However, this appears to relate to the contribution of masterplans and design scrutiny to the development process and in my view, it is not directly relevant to this main issue, although this does not alter my conclusion.

Living Conditions

22. Policy H5 of the Local Plan expects flats to be provided with a good-sized balcony, a terrace, or enclosed communal gardens. Policy D6 of the London Plan sets out a requirement for a minimum of five square metres of private outdoor space for 1-2 person dwellings, which must achieve a minimum depth and width of 1.5 metres. These requirements are also stated in Standards 26 and 27 of the 2016 Mayor of London Housing Supplementary Planning Guidance (the SPG).
23. The Council identifies that two of the four balconies proposed would have a depth of only 1.2 metres. While I appreciate that balconies have been included for all four flats to address concerns with the previous proposal, at 1.2 metres, the depth of these two balconies would restrict their usability. As such, they would fail to meet the standards in Policy D6 of the London Plan and the SPG and in my judgement would not be considered as good-sized balconies, as required by Policy H5 of the Local Plan.
24. Consequently, while I appreciate the appellant's acknowledgement of the property's location in the Conservation Area, I nevertheless conclude that the proposal would not provide acceptable living conditions for future occupiers

with regard to outdoor amenity space. The proposal would therefore conflict with Policy D6 of the London Plan, Policy H5 of the Local Plan, and the guidance in the SPG, as summarised above.

Other Considerations

25. The Council's officer report identifies the housing land supply in the area as just over three years. It has not been confirmed whether the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four-, or five-years' worth of housing, in the context of paragraph 77 of the Framework. Nonetheless, irrespective of which period would apply, from the evidence that is before me, paragraph 11 d) of the Framework is engaged albeit that designated heritage assets, which includes Conservation Areas², is a particular policy of protection referred to in associated footnote 7.
26. The proposal would make a small contribution to boosting the supply of housing where the necessary supply of deliverable housing sites cannot be demonstrated. There would also be some limited short term economic and social benefits during construction and longer term through additional residents supporting local services and facilities.
27. Nonetheless, as set out above, I find that the public benefits of the proposal would not outweigh the harm that would be caused to a designated heritage asset. Thus, there is a clear reason to refuse the proposal in line with paragraph 11. d) i. of the Framework. Accordingly, the proposal does not benefit from the presumption in favour of sustainable development set out in paragraph 11 of the Framework.
28. It may be the case that the proposal would not result in harm to the living conditions of nearby residents with regard to privacy, outlook or natural light and would provide internal accommodation of a sufficient size. However, a lack of harm is effectively neutral in the planning balance.
29. None of the other matters raised outweigh the harm I have found, including the identified conflict with development plan policy.

Conclusion

30. The proposal would conflict with the development plan taken as a whole. There are no material considerations, including the approach of the Framework in regard to housing supply, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR

² Framework Glossary