



Appeal Decision

Site visit made on 11 June 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

Appeal Ref: APP/E5330/W/23/3333450

Hainault House, Hainault Street, New Eltham SE9 2EG

- 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 Hainault House Ltd against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 23/1507/F.
 - The development proposed is proposed redevelopment of the site—demolition of existing buildings and construction of a new building, comprising 1no. office and 4no. residential units.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (The Framework) on 19 December 2023, replacing the previous version dating from 5 September 2023. The amendments made did not have any bearing on the issues in this appeal, and it was therefore not necessary to seek comments from the main parties on the updated Framework.
3. Following the receipt of the appeal, the Council clarified that one of the reasons for refusal should relate to Policy EA(a) of the Royal Greenwich Local Plan: Core Strategy with Details Policies (2014) (CS) and not the stated Policy E(a). The appellant has had the opportunity to comment on this as part of the appeal process and therefore no party has been prejudiced.
4. An additional plan has been submitted with the appeal (Proposed Street Elevation- Drawing No. A527/P/165 Rev A). This plan does not alter the proposal and the Council have had the opportunity to comment on it. On this basis, no party would be prejudiced if I took it into account. I therefore have had consideration to the submitted drawing in determining this appeal.

Main Issues

5. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the availability of employment space within the borough.

Reasons

Character and appearance

5. The appeal site is located on Hainault Street and is bordered by Wymbourne Primary School to the north, a locally listed imposing red brick Victorian school building which rises to 3-storeys in height. This prominent building is larger than the predominantly 2-storey terraced and semi-detached residential buildings in the surrounding area and differs distinctly in scale, form and articulation from the modest form of dwellings which characterise the surrounding area.
6. The appeal site is located in an area of mixed character which comprises traditional terraced dwellings set back from the footpath behind small front gardens, traditional terraced dwellings with no setback from the footpath, modern terraced dwellings which are set at an angle to the highway with open plan gardens and infill semi-detached dwellings, all of which are interspersed with open parking courts. There are also some commercial buildings within the immediate surrounding area. Nonetheless, dwellings in the area are predominantly of a traditional form with a traditional window arrangement. This results in a pleasant and mixed character and appearance to the area.
7. The appeal site comprises a collection of single storey commercial buildings set within a hard surfaced yard enclosed by railings and gates to the road. The buildings accommodate a print room, offices and storage. Much of the built form is located towards the rear of the site with the exception of a storeroom building to the front. At the time of my site visit the site also contained a shipping container and areas of open storage. The form and condition of the existing buildings, in addition to the expansive areas of hardstanding and open storage, contribute negatively to the character and appearance of the area.
8. The appeal proposal seeks to erect a 2-storey building with accommodation in the roof space following the demolition of the existing buildings. The building would accommodate 4 flats and an office. The proposal would be compatible with the predominantly residential surrounding uses. The building would be set back from the site frontage consistent with other dwellings on this side of Hainault Street and would be set in from the site boundaries. The proposed building would be constructed using materials consistent with those found in the local area and the projecting front gable would be consistent with the form of neighbouring buildings to the west.
9. The proposed building would be a similar height to terraced dwellings in the local area. However, the hipped roof would appear bulkier than that of the predominantly shallow pitched roof forms in the area and, by virtue of its scale, would dominate the building. This bulky roof form, in combination with the width of the building, would result in a large amount of visual bulk and massing which would present a domineering appearance when compared to the more modest proportions of the residential buildings in the surrounding area.
10. There would be limited views of the proposed rear elevation of the building from the street scene. Nonetheless, the number and spacing of windows to the front elevation would result in an elevation composition that would be dominated by fenestration resulting in a cluttered appearance which would fail

to harmonise with the simplicity of more traditional local vernacular within the area, drawing attention to the proposed building.

11. The resultant visual bulk and unsympathetic fenestration would result in a building which would appear as a visually dominant and incongruous feature to the detriment of the character and appearance of the area. Conflict therefore arises with those aims of Policy D3 of the London Plan (2021) (LP) and CS Policies DH1 and H5. Collectively these policies seek to ensure that development is of a high quality which responds to and enhances local context and distinctiveness.

Availability of employment space

12. The appeal premises are used as a print shop and associated ancillary offices. Whilst not a designated employment site, it is currently in employment use. CS Policy EA(a) is applicable to the proposal and sets out an aim to maximise the contribution in the borough from sites in existing or previous employment use.
13. The proposed development would result in a reduction in the amount of employment floor space from approximately 160m² to 64m². The appellant's submission states that the existing premises are dated, in poor condition, spatially and structurally insufficient and that the costs of remedial and structural repair works are excessive. The proposal would result in improved quality energy-efficient accommodation for the current occupiers.
14. I note that the appellant wishes to continue operating in the local area and will be moving the operational and production part of the business to other premises nearby, focusing the administrative side of the business within the appeal site. As such the existing business would continue to contribute to the local economy. Following these operational changes, it may well be the case that the appellant's operations may not require the same level of employment floor space. However, this fails to justify such a significant reduction in the amount of employment floorspace in light of the requirements of CS Policy EA(a) to maximise the contribution from sites in existing employment use.
15. There is no indication that the reduction in the amount of employment floorspace is necessary to facilitate the delivery of the proposed improvements to the employment floorspace. Nor is it suggested that, in the event that the appeal is dismissed, the existing business would cease to operate from the site. Thus, whilst it may well be the case that the proposal would result in operational improvements for the appellant and improvements in the quality of employment space, given the extent of the reduction in the amount of employment floor space, the proposal would neither amount to a betterment of the existing situation nor would it maximise the contribution of the site to employment uses in the borough.
16. In support of the proposal the appellant has provided a letter from an Estate Agent which sets out that there has been a decline in demand for office-based business since the Covid-19 pandemic. It also sets out that there is some desire for smaller units or shared space. However, it has not been demonstrated that it would be unfeasible to accommodate such units within the site in addition to the appellant's administrative operations. Furthermore, this letter only provides commentary on office space demand and does not appear to consider other employment-generating uses. Whilst it would be necessary to ensure compatibility with the surrounding land uses, given the existing use of

the site, there is no indication that alternative employment-generating uses would not be acceptable here. Given this, I have not been provided with any compelling evidence that there is no demand for employment floorspace in the local area.

17. The proposed loss of employment floorspace would mean that the employment potential of the site would not be maximised, as required by CS Policy EA(a). Consequently, the proposal would result in the loss of, and therefore harm to, the supply of employment floorspace within the borough. Accordingly, the proposal would conflict with the requirements of CS Policy EA(a), as summarised above.
18. The Council reference CS Policy EA1 in their reason for refusal which relates to the expansion of existing businesses. The Council also reference LP Policy E2 which relates to the provision of suitable business space, setting out that certain criteria should be met for development proposals that involve the loss of existing B use class business space in areas identified in a local development plan document (DPD) where there is a shortage of lower-cost space or workspace of particular types, uses or sizes. I have not been provided with any evidence that such a DPD has been adopted or is applicable here and the proposal does not involve the expansion of an existing business. Thus, these policies do not appear to be applicable in this instance.

Other Matters

19. The appeal site is located close to Wymbourne Primary School, a locally listed building, and is regarded as a non-designated heritage asset (NDHA). The Framework requires that the effect on the significance of a NDHA should be taken into account in determining an application and requires a balanced judgment having regard to the scale of any harm or loss and the significance of the asset.
20. There is no indication that the site has any form of historic significance in association with the school. The Council found that the proposal would preserve the setting of this NDHA and would not harm its significance, and, based on my observations on site, including the relationship between the school and surrounding built form including the appeal site, I see no reason to take a differing view.
21. It is stated that the appellant has amended the proposal since the time of the previous planning application¹. However, the amendments would still result in a proposal that would harm the character and appearance of the area and the availability of employment space for the reasons outlined.
22. The Council raised no objections with regards to noise, the effect on the living conditions of the occupiers of neighbouring properties, unit mix, bin and cycle storage, accessibility, standard of accommodation or the effect on the highway network and, based on the information before me, I see no reason to take a differing view. Nonetheless, compliance with the relevant development plan policies on these matters would be required in any case. Therefore, these matters weigh neutrally rather than in support of the proposal.

¹ Reference 22/3420/F

Planning Balance

23. As the Council is unable to demonstrate a five-year supply of deliverable housing sites, Paragraph 11(d) of the Framework is engaged and the policies I have identified conflict with are deemed to be out-of-date. However, that does not mean they are not afforded any weight. Indeed, I find that the policies remain consistent with the Framework's aim of promoting development that is sympathetic to local character and supporting economic growth and productivity.
24. Turning to the scheme's benefits, the proposal would make a small contribution towards the borough's housing supply on a site with good access to facilities, services and public transport. This would contribute to the Government's objective to significantly boost the supply of homes. The delivery of 4 additional housing units, which would be energy and water efficient and incorporate renewable technologies, weighs in favour of the scheme and, when factoring in the supply shortfall, attracts moderate and meaningful weight as a scheme benefit.
25. There would also be short-term economic benefits associated with construction and in the longer-term contributions would be made by future occupiers to the local economy. However, given the limited scale of the development I attach limited weight to the development's positive contributions in these senses.
26. The appellant also refers to biodiversity enhancement and opportunities for landscaping. However, there is limited information before me regarding these proposed benefits and I therefore attribute limited weight to these matters as benefits of the scheme.
27. In support of the proposal the appellant references Paragraph 123 of the Framework (now paragraph 127) which sets out that Local Planning Authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for specific purposes in plans where this would help to meet identified development needs. Criterion a goes on to state that Local Planning Authorities should support proposals to use employment land for homes in areas of high housing demand provided this would not undermine key economic sectors.
28. Given the extent of the shortfall in housing delivery the proposed housing provision comprises an identified, and unmet, need which, as set out above, attracts positive weight in favour of the proposal. Nonetheless, the site is in active economic use and clearly provides some economic benefits and it has not been demonstrated that the reduction in the amount of employment space wouldn't undermine key economic sectors. The reduction in the availability of employment space would be in conflict with CS policy EA(a) which provides a clear direction with regards to employment space in the borough which is consistent with the aims set out in Chapter 6 of the Framework. Consequently, the proposal would be contrary to the Council's and Framework's objectives for the delivery of a strong and competitive economy.
29. Set against the above, I have found that the proposal would cause harm to the character and appearance of the area and to the availability of employment space within the borough in conflict with the Framework. I find that the identified harm to character and appearance and the availability of employment space are decisive considerations that, even in the context of the Council's poor

housing supply position, represent adverse effects of such weight that they would significantly and demonstrably outweigh the identified benefits when assessed against the policies in the Framework when taken as a whole. The proposal does not therefore benefit from the presumption in favour of sustainable development outlined at Paragraph 11 and, as a material consideration, the Framework does not indicate that permission should be granted. I therefore conclude that material considerations in this case, taken cumulatively, are not sufficient to outweigh the identified conflict with the development plan.

Conclusion

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

N Robinson

INSPECTOR