



Appeal Decision

Site visit made on 19 June 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2024

Appeal Ref: APP/E5330/W/23/3329162

165-169 Eltham High Street, London SE9 1TT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr Vinesh Aggarwal of Eltham High Street (AGG7) Ltd against the decision of the Council of the Royal Borough of Greenwich.
- The application reference is 23/2106/PN5.
- The development proposed is an additional two storeys at third- and fourth-floor levels to provide 4 x 1-bed residential units.

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter “the GPDO”) permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey of a detached building in mixed use, as well as certain other associated works.
3. While the principle of development is established by the provisions of the GPDO, it is subject to limitations and is contingent upon the grant of prior approval for a specific proposal. The Council was satisfied that the proposed development complied with the limitations set out in Paragraph AA.1. Among the matters for which prior approval must be sought, and of greatest relevance to this appeal, is the external appearance of the building.
4. Paragraph B.(15)(b) of Schedule 2, Part 20 of the GPDO requires the prior approval application to be determined with regard to the National Planning Policy Framework (“the Framework”). The provisions of the GPDO do not require regard be had to the development plan in this case, and I have therefore had regard to those policies to which the Council referred only insofar as they are material to the matters for which prior approval is sought.
5. The Government published a revised 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 changes did not have a bearing on the main issues in this appeal, and it was not necessary to seek further comments from the main parties. Where I have referred to specific paragraphs of the Framework, the numbering is from the December 2023 version.

6. The description of development in the banner heading above is taken from the appeal form (and the Council's decision notice before that). I have used it in preference to the wording used on the prior approval application form as it provides a more concise description of the proposal.

Main Issue

7. The main issue is whether prior approval should be granted, having particular regard to the effect of the external appearance of the development on the character and appearance of the area (including the setting of nearby listed buildings).

Reasons

8. The appeal property is a three-storey detached building on the north side of Eltham High Street within Eltham town centre, between Roper Street to the west, and Archery Road to the east. The proposed development is a two-storey upward extension, creating four new flats on top of the existing building.
9. As might be expected from the site's town centre location, there is a mix of retail, office, community and leisure uses, as well as housing, along the High Street. While buildings typically have two or three storeys there are also some with four, including Nos 145-149 which stands out for its height in the context of the High Street. Although this proposal would lead to there being a five-storey building on the appeal site, its overall height would not exceed that of Nos 145-149. The Vue cinema, diagonally across the High Street, is a large modern building with considerable presence; it would remain probably the visually dominant building in this part of the town centre.
10. The streets at the side of the site are of a different character. Roper Street is a short no-through-road, with modest two-storey terraced housing on either side and the single-storey Eltham Church of England Primary School at its head. Archery Road is flanked by the backs of Roper Street's houses on one side, with the substantial Eltham Centre (a leisure centre) on the eastern side. The rear wall of the two additional storeys proposed would be built as a vertical extension of the existing rear elevation of the building. As a result the back of the building would present a substantial five-storey "cliff edge" alongside the two-storey housing on Roper Street. This would be oppressive and dominating when seen from the streets either side of the site especially, given the much more intimate scale of the street and buildings, from Roper Street.
11. The appeal site sits across the High Street from the Grade II listed building known as St Mary's Eltham Community Centre¹. This is described in the list entry as dating from the early- to mid-19th century, and is a two-storey three-bay house with a tall and wide stuccoed frontage to the High Street. Though in my view the listed building is predominantly appreciated at close-range from the High Street itself, the approaches from both Roper Street and Archery Road also contribute to its setting. In these views, the dominant nature of the additional storeys proposed (primarily resulting from the lack of any setting back of the side or rear elevations) would cause a degree of harm to the setting of the listed building. The proposal would provide four new dwellings, with associated economic benefits arising from construction and additional spending in local businesses from residents. However, while these are

¹ List entry number 1291258; the building's name in the official listing is the Convent of St Mary.

potentially public benefits arising from the scheme they are limited in scale, and would not outweigh the harm I have found.

12. The appeal site is also close to the Grade II listed Eltham Library² on the same side of the High Street. No specific harm appears to have been suggested in respect of that listed building and, based on all the evidence before me including my observations on site, I see no reason to take a different view.
13. The front of the proposed additional storeys would be set back from the existing main front elevation of the building, which would reduce the visual impact of its bulk on that frontage. Viewed along the High Street, and having regard to the variety in building height and massing I consider that the appeal scheme would be broadly acceptable were it possible to view it in the context of the High Street in isolation. However, this would be to ignore the harm caused in respect of Roper Street and, to a slightly lesser extent, Archery Road, and its knock-on effect on the setting of St Mary's Eltham Community Centre.
14. I conclude that, as a consequence of its external appearance, the proposed development would be harmful to the character and appearance of the area and to the setting of a nearby listed building. It would therefore conflict with the requirements of the Framework which seek to achieve well-designed places (notably paragraphs 135 and 139) and to conserve and enhance the historic environment (notably paragraphs 206 and 208).
15. I have also had regard to the provisions of the development plan to the extent that they are a material consideration and find that the proposal would not comply with the provisions of Policies DH(i), DH1 and H5 of the 2014 Royal Greenwich Local Plan: Core Strategy, and Policies HC1, D3 and D4 of the London Plan 2021. Together, and among other things, these policies seek to ensure that all development is well-designed and enhances local context, and that heritage assets (including their settings) are conserved.

Other Matters

16. The appellant has referred to a later application for prior approval for one additional storey which the Council also refused³, essentially for similar reasons to those in this appeal. The Council's refusal of that application means that there is not a "compromise 'fall-back' position" on which the appellant can rely. However, my own conclusions in this case are based on matters of detail rather than a suggestion that any development might be unacceptable in principle.

Conclusion

17. For the reasons given above, I conclude that prior approval should not be granted. The appeal is therefore dismissed.

M Cryan

Inspector

² List entry 1268418

³ LPA Ref: 23/2939/PN5