

Appeal Decision

Site visit made on 6 August 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2024

Appeal Ref: APP/E5330/W/24/3340820

Everdene, 10 Hardy Road, Blackheath, Greenwich, London SE3 7NP

- 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 Swiftbourne Limited against the decision of the Royal Borough of Greenwich.
 - The application Ref is 23/3630/F.
 - The development proposed was originally described as upward extension to create 3 additional flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed, and therefore I have used that as on the planning application form.
3. Further to a request to view by an interested party, I undertook an 'Access Required Site Visit' to Flat 7 of the appeal property.

Main Issues

4. The appellant submitted a Daylight and Sunlight Assessment to the appeal in response to the Council's third reason for refusal. The Council considers that this demonstrates that the proposed development would comply with the requirements for access to daylight and sunlight to Nos 4 and 12 Hardy Road, and the bedrooms at Flats 1 and 4 within the appeal building, and as such considers this reason for refusal is overcome. I find no reason to consider otherwise. Therefore, having regard to all of the evidence before me, the main issues are:
 - the effect of the proposal upon the character or appearance of the Westcombe Park Conservation Area (CA) including the effect upon the host property; and
 - whether the proposed development would provide acceptable living conditions for future occupants with particular regard to accessibility and suitability for changing needs.

Reasons

5. The Westcombe Park Conservation Area Character Appraisal 2010 (CACA) indicates that the CA comprises residential roads to the east of Greenwich Park. Its significance stems from its predominant character of 2 and 3 storey Victorian and Edwardian houses and their architectural detailing. Key contributing factors include the consistency and uniformity of buildings, two storey forms, with steep hipped and pitched roofs with gables being the predominant roof forms. Hardy Road includes good quality groups of late Victorian and Edwardian detached, paired and terraced villas, some unremarkable detached inter-war houses and some poorly designed post-war houses and blocks of flats.
6. The appeal building is a post-war interconnected 2/3 storey block of flats, with a flat roof form and little in the way of architectural detailing. As such, it appears in sharp contrast to its more traditional neighbours. The appellant accepts that it has no particular architectural merit and suggests that it would be seen as neutral at best in the CA. However, while it is not individually identified in the CACA as having a negative impact, its features are clearly typical of those described in the CACA as having such an effect, and for these reasons, along with my own observations, it has a negative impact upon the CA.
7. The additional storey would be of the same design and materials as the appeal building, to include the flat roof form. However, a fourth storey would be highly discordant to the predominant 2/3 storey forms in the CA.
8. In relation to its neighbours, the overall height of the appeal building would be just above the ridge height of the three storey Edwardian style buildings at Nos 2 and 12, and well above the height of No 4. As the additional storey replicates the form and design of the appeal building, this would intensify the negative impact of its existing bulk and mass through its increased height. It would therefore form a dominant addition that would detract from the more traditional forms of its neighbours, as demonstrated in the proposed street scene drawing Ref PL10.
9. While the appellant suggests that a setback to the proposed additional storey would be incongruous to the design of the existing building, there is no substantive evidence before me to demonstrate this, nor that it would not be possible for any other reason.
10. As a result of the proposal, the overall scale and height of the appeal building would significantly increase, forming further bulk and mass at height. Consequently, the appeal building would appear prominently within the streetscape. It would also be highly visible from the public open space opposite at Ingleside Gardens. The bulk and mass of its additional storey would result in a more imposing presence. While some trees within frontages would provide screening this would be to a limited extent, and even less so when not in full leaf, even if one of the trees is not deciduous.
11. The proposal would be of a similar height to the nearby three storey flatted blocks on Beaconsfield Road. However, the roof form of these blocks is pitched, and thus they are not directly comparable. Moreover, they are identified in the CACA as being of post war construction, out of scale and keeping with their surroundings, detracting substantially from the character and appearance of the CA, and during my visit I found no reason to consider otherwise.

12. As the proposal would replicate the form and design of the existing building, the appellant suggests that it would not be harmful to its host, and thus its effect would be neutral. However, as set out above, it would also accentuate negative features that are highly discordant to the character and appearance of the CA – the bulk and mass of its block form, flat roof and lack of architectural detailing.
13. While discordant development exists within the CA, including four storey development, this does not justify a proposal that would intensify or increase pre-existing harm. Although additional storeys are supported within the Council's Supplementary Planning Document: Urban Design Guide 2023 (SPD), such support is fettered in areas which are sensitive to change.
14. The proposal is near to a locally listed group of properties at Nos 69-91 Coleraine Road. The Council considers that the proposed works would not tangibly impact the presentation, appearance or context of the non-designated heritage assets. I find no reason to consider otherwise.
15. Drawing all of the above together, the proposal would fail to preserve or enhance the character or appearance of the CA. The value placed on such matters is recognised in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
16. The National Planning Policy Framework (the Framework) sets out that the significance of any heritage asset that may be affected by a proposal should be taken into account, seeking to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Furthermore, the Framework sets out that great weight should be given to the asset's conservation. The harm I have identified is less than substantial in the context of the CA as a whole due to its localised nature, but nevertheless of considerable importance and weight. In these circumstances, the harm must be weighed against any public benefits of the proposed development.
17. The proposal would provide 3 additional units of accommodation in the form of 1b flats in an accessible location. It would support the government's objectives for the efficient use of land and to significantly boost the supply of homes. It would contribute to a significant undersupply of deliverable housing sites. However, such benefits would be limited by the scale of the development proposed, even in the context of a significant shortfall. Temporary economic benefits would arise during the construction process, with additional household expenditure thereafter, but these benefits would be modest in scale, attracting limited weight.
18. The proposed development would meet relevant standards for internal and amenity space; and would not result in unacceptable impacts upon the amenity of existing/neighbouring occupiers. However, such matters are requirements of residential development, and not a public benefit as such. Although the appeal scheme is proposed as a car free development, it is in a controlled parking zone and in an area of heavy parking demand. As such, this is a policy requirement in accordance with Policy T6 of the London Plan 2021 (LP) and Policy IM(c) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 (RGLP) and therefore not a public benefit.

19. Consequently, the limited public benefits of the proposal, when taken either individually or cumulatively would not outweigh the harm I have found, to which I am required to attach great weight. The scheme would therefore fail to accord with the requirements of the Framework and the Act.
20. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the CA, and it would cause less than substantial harm to its significance as a designated heritage asset. The limited public benefits of the proposal would not outweigh this harm. The proposed development conflicts with LP Policies D3 and HC1, and RGLP Policies DH1, DH3, H5 and DH(h) and the SPD. Taken together, these policies and guidance seek to ensure that incremental intensification is achieved in the most appropriate way; that development is of high-quality design, conserves the significance of heritage assets, and is sympathetic to their significance, and preserves or enhances the character or appearance of CAs.

Living conditions

21. LP Policy D7 sets out that residential development must ensure that dwellings meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. The supporting text refers to approach routes shared between dwellings, including vertical circulation in the common parts of a block of flats. Policy D7 also refers to exceptional circumstances where the provision of a lift may not be feasible, and a test of reasonableness also applies under Part M4(2). The definition of a dwelling in Part M4(2) includes flats.
22. The appellant contends that the requirement is optional under Part M4(2) of the Building Regulations, and only applies to new dwellings. However, footnote 52 of the Framework sets out that planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. For these reasons, Policy D7 of the LP is in conformity with the Framework, and therefore the optional requirement applies in this case.
23. In reaching this finding, I accept that criterion x of RGLP Policy H5 refers to a requirement for new build development of flats that are three or more storeys to have sufficient lifts. The opening text of the policy seeks to achieve a high quality of housing design and an integrated environment. In this regard, the policy is broadly consistent with the Framework, but criterion x is not entirely consistent with it, and therefore this criterion carries little weight in my determination of the appeal. In any event, Policy D7 of the LP post-dates the RGLP and is consistent with the Framework.
24. The existing building does not presently benefit from step free access, and existing flats are accessed via an internal staircase. The appeal proposal would continue this arrangement. The Council's concerns are focused on step free access, rather than wheelchair accessibility and the dispute is focussed on the absence of a communal lift.
25. The appellant suggests that in order to provide step free access a lift would need to be provided in an additional extension and this would also need to accommodate additional plant above. It seems to me that the appellant has only considered a recommended larger lift size within the Building Regulations and not any minimum sizes for a communal lift, either with or without wheelchair passengers.

26. In any event, there is no compelling evidence to demonstrate that a new extension would be required, and there is no alternative scheme before me in order to consider its effect on the living conditions of the existing occupiers of the flats or the character and appearance of the area, nor to demonstrate whether any such scheme would be unviable. My considerations are therefore confined to the proposal before me. I am therefore not satisfied that it has been demonstrated that it would be unreasonable to create a step free access to the additional flats.
27. Given all of the above, the proposal would fail to deliver step free access, and future occupiers would not be able to lead independent and dignified lives and meet the challenges of old age and decreasing mobility.
28. I therefore conclude that the proposal fails to demonstrate that it would provide acceptable living conditions for future occupants with particular reference to accessibility and suitability for changing needs, nor has it been robustly demonstrated that it would be unreasonable to do so. The proposal conflicts with LP Policies D5 and D7 and RGLP Policies DH1 and H5. Taken together, and as set out above, these policies seek to ensure that residential development is of high quality and inclusive design.

Other Matters

29. Interested parties raise other matters, many of which were considered by the Council at the determination phase. Whilst I can understand the concerns of interested parties in regard to these matters, there is no compelling evidence before me that would lead me to a different conclusion to the Council. As I am dismissing the appeal on the main issues, and further consideration of any other matters raised would not alter my decision, including further concerns regarding the effects upon levels of daylight and sunlight, it is not necessary for me to address them directly.
30. For the avoidance of doubt, concerns regarding the effect of the proposal upon property values are private matters and have no bearing on my consideration of the planning merits of the proposal.

Conclusion

31. The Council is unable to demonstrate a five-year supply of deliverable housing sites. However, in accordance with paragraph 11 d) and footnote 7 of the Framework, the Framework's policies relating to designated heritage assets provide a clear reason to refuse the proposal. Therefore, the presumption in favour of sustainable development does not apply in this case.
32. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR