



Appeal Decision

Site visit made on 20 November 2024

by C Rafferty LLB(Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/E5330/W/23/3334929

1 Warspite Road, Woolwich, London, SE18 5PG

- 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 Warspite Woolwich Ltd against the decision of the Royal Borough of Greenwich.
 - The application Ref is 23/1504/F.
 - The development proposed is the construction of a two-storey rear extension at first and second floor level and roof extension to facilitate an additional eight HMO rooms with an additional capacity of 16 persons to provide a Large HMO with 20 bedrooms overall with an overall maximum capacity of 40 persons (Use Class Sui Generis)
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement (WMS), which is a material consideration, the proposed changes to the Framework can only be given limited weight at this stage, given that no final document has been published. The main parties have been provided with an opportunity to comment on these documents and their responses have been taken into account, where received.
3. The main parties agree that the description of development has changed from that on the application form, and I have proceeded on this basis. The Council's reasons for refusal also referred to the effect of the development on highway safety. The Council has since confirmed that this reason has been overcome and I have proceeded on this basis.

Main Issue

4. The main issues are therefore the effect of the development on:
 - (i) the character and appearance of the area, having particular regard to the non-designated heritage asset and whether the proposal would preserve or enhance the character and appearance of the conservation area; and
 - (ii) the living conditions of occupiers of Nos. 7-12 Howick Mansions, 831 Woolwich Road, with particular regard to outlook.

Reasons

Character and appearance

5. The site is the building at 1 Warspite Road, currently with shop fronts at street level and house in multiple occupation (HMO) units above. It is locally listed and identified as a non-designated heritage asset (NDHA). It is within, and close to the boundary of, the Thames Barrier and Bowater Road Conservation Area (the CA).
6. The appellant has submitted a Heritage Statement, to which I have had regard. It outlines that the significance of the CA is derived from its industrial character, and rare surviving legacy of Victorian riverside industries. The immediate section of the CA comprises a range of uses, but its significance is retained through examples of both traditional and industrial development. Immediately west of the site lie the Howick Mansions, a short terrace of two storey dwellings with a traditional appearance, while areas to the north and east in the CA reflect the more industrial character. Modern industrial buildings also sit north of the site, outside of and adjacent to the CA boundary.
7. The appeal building, while not conforming to the prevailing industrial character of the CA, is an example of traditional development in the CA, and derives its significance as an NDHA from its historic and architectural interest. The Heritage Statement outlines that it was constructed in the 1830s, later rebuilt, and was an integral part of the industrial history by sustaining the community of workers. Although altered in later years, it retains a clear traditional design that allows its historic nature to be appreciated, such that it retains significance and contributes to the understanding of the history and character of the CA.
8. The building is a tall structure, notable in immediate and wider views standing above neighbouring development. However, this height is confined to the immediate corner junction so as not to dominate the surrounds. While a later two storey lean-to addition is present on its northern elevation, its stepped-down nature ensures much of the northern façade remains exposed, including much of the chimney block, and that the balanced composition of the southern and eastern elevations of the main building is retained. The height of this lean-to also reflects the built form on Warspite Road, providing a smooth visual transition to this lower level of development. Overall, the building makes a significant positive contribution to the character and appearance of the CA, in addition to being of moderate significance as a NDHA.
9. The proposal relates to the construction of a two-storey rear extension at first and second floors, along with roof extensions and alterations. It would appear as a side extension, with floor levels, fenestration, and external detailing that would assimilate with the main building, including the defining upper dormer features. The front, southern elevation of the building would read as unaltered. However, the proposal would be a sizeable addition. By effectively resulting in additional columns of brickwork and fenestration on the east elevation, the composition of the southern and eastern facades of the building would be imbalanced. The elongated east elevation would also increase the prominence of the building in both immediate and long views, and result in an unduly dominant feature in the street, particularly when viewed from Woolwich Road.
10. The proposal would hide the lean-to which does not have the same level of similarity with the external design of the building, and it would not be full

height from the rear side. However, it would remove the current transition between the site and the lower built form of Warspite Road, further highlighting the dominance of the scheme and introducing a sense of overdevelopment. Furthermore, the additional bulk of the proposal would largely obscure the northern façade of the original building, including a much larger section of the chimney block. While the decorative element at the top of the stack would remain visible, obscuring much of the northern façade as a whole would reduce the legibility and appreciation of the original building and its precise form.

11. Overall, even noting the replication of the current design, the proposal would be a visually jarring addition, detracting from the architectural and historic value of the building, and thus reducing the contribution it makes to the CA. The effects of the proposal would be largely localised in the overall context of the CA. It would not introduce a new building style to the CA and the height of the building would not be raised. As such, it would result in less than substantial harm to the significance of the CA, which according to the Framework should be weighed against public benefits of the proposal including, where appropriate, securing its optimum viable use.
12. The proposal would provide an additional 8 HMO rooms, with accommodation for up to an additional 16 people. It would develop a brownfield site, add to the housing mix and choice of the area, and be sustainably located. It would make effective use of land and ensure the continued viable use of the building. Environmental benefits would arise from the lack of car parking, apart from a disabled space, and the provision of cycle parking, promoting sustainable transport measures and minimising impact on local air quality. It would also attract residents who would contribute to the local economy.
13. Nevertheless, the Framework is clear that great weight should be given to the conservation of designated heritage assets. It also advises that any harm to the significance of a designated heritage asset should require clear and convincing justification. Even when taken together, I find that the above benefits would not outweigh the identified harm to the significance of the CA. On the evidence before me, no clear and convincing justification has been put forward for the resulting harm to the CA.
14. The Framework further states that in weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Given my findings above regarding the impact of the proposal on the external appearance of the site, and the moderate significance of the NDHA as a result of its architectural and historic interest, the overall scale of harm caused by the proposal in this regard would not be justified.
15. For the reasons given, the proposal would cause significant adverse harm to the character and appearance of the area, having regard to the NDHA, and would fail to preserve or enhance the character and appearance of the CA. As such, it would fail to comply with Policies D3, D4, and HC1 of the London Plan 2021 and Policies DH1, DH3, DH(h), and DH(j) of the Royal Greenwich Local Plan Core Strategy with Detailed Policies 2014 (the CS) insofar as they seek to ensure good design that has a positive relationship with the urban context and that protects and enhances heritage assets.

Living conditions

16. The appeal building sits to the east of 7-12 Howick Mansions, 831 Woolwich Road. Its rear building line extends beyond that of these adjacent dwellings, which have rear and ground floor windows along their rear elevation close to the boundary with the appeal site, with the closest windows to the shared boundary being recessed from the rear of the appeal building. The proposal would add notable height and depth to the upper levels of the northern section of the appeal building, albeit that there would be a sloping roof towards the shared boundary.
17. I note that the height of the proposal would mirror that of the main appeal building, and that it would not protrude beyond the current rear building line. Nevertheless, it would introduce significant additional bulk to that part of the appeal building that is closest to Nos. 7- 12 Howick Mansions, 831 Woolwich Road with limited setback from the boundary. The facing façade would lack articulation and fenestration, such that it would read as an unbroken expanse of built form from these neighbouring locations.
18. The additional bulk of the proposal would be readily appreciable from the rear ground and first floor windows and rear space of Nos. 7- 12 Howick Mansions, 831 Woolwich Road, where it would read as an imposing and overbearing feature. Overall, it would result in a sense of enclosure, which would unduly impact the enjoyment of the associated spaces by the residents of these dwellings. There is nothing substantive before me to suggest that the rooms served by the impacted windows are not habitable rooms.
19. I acknowledge that there would be no windows on the flank elevation of the proposal facing Howick Mansions, such that it would not result in adverse effects on the privacy of neighbouring occupiers. The main parties also agree with the conclusions of the appellant's Daylight and Sunlight Assessment that there would also be no such adverse effect with regard to light or overshadowing. However, these are separate considerations from outlook.
20. For the reasons given, the proposal would cause significant adverse harm to the living conditions of occupiers of Nos. 7-12 Howick Mansions, 831 Woolwich Road with particular regard to outlook. As such, it would fail to comply with Policy D3 of the London Plan 2021 and Policy DH(b) of the CS insofar as they seek to ensure that development does not cause an unacceptable loss of amenity to adjacent occupiers by resulting in an unneighbourly sense of enclosure, and delivers appropriate outlook.

Other Matters

21. The main parties disagree as to whether the lawful use of the building fully remains as a public house. However, that is not for me to determine as part of the appeal. The main parties further agree that the proposal would not result in harm regarding flood risk. This is a neutral matter in the planning balance.
22. The appellant has raised concerns regarding the conduct of the Council at application stage. However, this does not impact my assessment of the planning merits of the appeal proposal.

Planning Balance and Conclusion

23. The appellant has referred to “the need for homes in accordance with section 11 of the [Framework]”. However, no substantive assessment has been provided in this regard. In any event, even if I were to find that paragraph 11(d) of the Framework was engaged, this paragraph is clear that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 to paragraph 11(d) states that this applies to designated heritage assets.
24. The harm to the setting of the designated heritage asset identified is such that the policies in the Framework relating to designated heritage assets provide that clear reason for refusing the development. As a result, the presumption in favour of sustainable development would not apply.
25. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR