



---

## Appeal Decision

Site visit made on 7 January 2025

by **A Price BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18<sup>th</sup> of February 2025

---

**Appeal Ref: APP/E5330/W/24/3354129**

**47-53 Woolwich Road, London SE10 0RA**

- 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 The Estate Charity of William Hatcliffe against the decision of the Council of the Royal Borough of Greenwich.
  - The application Ref is 22/0993/F.
  - The development proposed is described on the application form as the 'demolition of existing building and redevelopment to provide a mixed-use scheme, with Class E commercial use at ground floor level and residential (a mixed C3 and C4) use above.'
- 

### Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing building and construction of a 5-storey building comprising of a commercial use at ground floor (Use Class E) and a range of flexible residential uses on first, second, third and fourth floors, either Use Class C3 (Residential), Use Class C4 (small HMO), Use Class Sui generis (7 Person HMO) or Use Class Sui Generis (8 Person HMO) and associated external works and alterations at 47-53 Woolwich Road, London SE10 0RA in accordance with the terms of the application Ref 22/0993/F, subject to the conditions in the attached schedule.
2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises 'demolition of the existing building and construction of a 5-storey building comprising of a commercial use at ground floor (Use Class E) and a range of flexible residential uses on first, second, third and fourth floors, either Use Class C3 (Residential), Use Class C4 (small HMO), Use Class Sui generis (7 Person HMO) or Use Class Sui Generis (8 Person HMO) and associated external works and alterations'. The Council dealt with the proposal on this basis and so shall I.

### Main Issues

3. The main issues are:
  - the effect of the proposed development on the character and appearance of the surrounding area; and
  - whether the proposed development would fully optimise the site, with particular regard to the provision of housing.

### Reasons

*Character and appearance*

4. The appeal site comprises a row of terraced properties, positioned to the north side of Woolwich Road. The site is widely visible from multiple vantage points, including along Woolwich Road, Commerell Place and Armitage Road.
5. The area surrounding the appeal site is varied, formed of a mixture of residential, commercial and mixed-use development. Whilst historically the area may have appeared more consistent in its make-up, the scale and design of buildings today varies significantly. Building heights range from a more modest two and three storeys, rising to a range of four to eight storeys. The tallest buildings are mainly positioned directly opposite the site.
6. The context of the north side of Woolwich Road should not be considered in isolation relative to that of the south. The redeveloped site to the south is clearly viewed in the context of that established built form and undoubtedly forms part of the character of the area. This is irrespective of any original design intent at that site or its historic use. Moreover, the site opposite is not the only site to have undergone significant change along Woolwich Road in recent times.
7. The proposed building, rising to five storeys, would be large compared with the existing built form at the site. It would intensify the use of the site and would appear prominent within the streetscene, particularly along Woolwich Road. However, the proposed development would be of a high quality, and would be set amongst the established and varied townscape identified above. It would also be detailed in such a way as to break up its overall massing, while also providing interest and texture. The use of brickwork, in particular, would relate well to the materiality of the local area.
8. In addition, the proposed development is designed to ensure that the vitality and vibrancy of the existing commercial parade is maintained, whilst providing further activity through the introduction of additional residential uses at its upper levels. Ultimately, the proposed development would be of a scale and design which would satisfactorily respond to the site's varied and evolving surroundings. It would positively contribute to the built environment here.
9. Overall, I conclude that the proposed development would have an acceptable impact on the character and appearance of the surrounding area, in accordance with the relevant provisions of Policy D3 of the London Plan (LP, 2021) and Policies DH1 and H5 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (CS, 2014). These policies, in summary and when taken as a whole, seek to ensure a high standard of quality in new development, that respects its context. This is in a similar vein to the provisions of the Royal Greenwich Urban Design Guide Supplementary Planning Document (2023).

#### *Optimisation of the site*

10. LP Policies H1 and GG4 support the provision of a range of new homes across London that are of good quality and make use of brownfield sites. The proposed development would intensify the use of a small and previously developed site, introducing additional residential units of an undisputedly high quality. The proposed development would also provide an appropriate mix of dwellings consisting of 1, 2, 3 and 4 bed units, with the flexibility to incorporate HMO uses.
11. The Council, however, sets out concerns in respect of the size of proposed units 8 and 9. These would be positioned near the top of the building and would be split

across two floors. They would have a gross internal floor area of approximately 169sqm and 192sqm respectively. Accordingly, they would meet, and exceed, the Nationally Described Space Standard (NDSS). The Council considers that the reduction in the size of these units could lead to the provision of one-two additional units on the site and alludes that the appellant has purposely designed the scheme to circumvent affordable housing policies.

12. I accept that the size of the proposed 4-bedroom units goes well beyond the minimum requirements of the NDSS. Nevertheless, as the Council sets out itself, there is no maximum space standard for developments in the borough that caps the size of units, nor is there a definition of what would be considered as 'overly' large in terms of proportionality beyond the NDSS baseline. Indeed, the purpose of the NDSS is not to set precise dwelling or room sizes, but rather to ensure appropriate living conditions for future occupiers. Moreover, I have no compelling evidence before me which either demonstrates an alternative layout which could realistically be achieved here or demonstrates that the appellant has deliberately sought to circumvent other policy requirements. I am basing my assessment on the plans before me and that scheme does not trigger the consideration of affordable housing policies.
13. The Council cites an historic appeal case, under reference APP/N5660/A/13/2209298, where the scheme was dismissed on the basis of 'oversized' units. This predates the NDSS, and also makes reference to a former version of the London Plan's density ranges. Moreover, from the limited information before me in respect of that other scheme, it appears that one of the units in question was a 3-bed unit measuring 230 square metres. This is far in excess of what is proposed at the appeal site. On this basis, I do not consider the circumstances between the two schemes to be directly comparable.
14. Overall, I conclude that the proposed development would satisfactorily optimise the use of this brownfield site, contributing to housing supply in the borough and London, and would accord with the relevant provisions of LP Policies GG4, H1 and H10 and CS Policy H2, insofar as they relate to the provision of a mix of housing and the optimisation of sites.
15. LP Policy H2 has been referenced in the Council's decision notice. However, I have not been provided with a copy of this policy and so have been unable to take it into consideration. As set out above, affordable housing requirements are not triggered and, consequently, I do not consider LP Policy H4 and CS Policy H3 relevant in this case.

### **Other Matters**

16. A number of comments have been received from neighbours and others including in respect of character and appearance, loss of light, privacy and views, emergency access, air quality, noise and disturbance, additional traffic and the loss of existing shops. Matters of character and appearance have been discussed under the appeal's main issues. The Council acknowledges, in its officer report, that there would be some change to nearby properties as a result of the proposed development, including in respect of daylight and privacy. I concur. However, the effect of the proposed development on the living conditions of neighbouring properties was not a reason for refusal and I have no substantive evidence before me which would lead me to an alternative conclusion on this issue.

17. Matters relating to loss of views from residential properties are noted but do not form planning considerations that would lead me to an alternative conclusion on the main issues. Noise during construction work would be temporary and adequately controlled by condition.
18. The Council (taking into account statutory consultee responses) raises no objection in respect of highway safety, air quality, emergency access or parking provision, subject to conditions. Based on the plans before me, I have no reason to conclude differently. As regards the existing shops at the site, this would be a private matter between the landlord and tenant and, in any case, commercial space would be retained as part of the proposed development.

### **Conditions**

19. The Council has provided a list of conditions that it suggests should be applied in the eventuality that the appeal is allowed. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance, and have amended the wording of some, and combined provisions of others, without altering their fundamental aims.
20. In addition to requiring commencement within the relevant statutory period, I have imposed a condition requiring adherence to the relevant plans for certainty. Conditions relating to materials and details are imposed in the interests of character and appearance.
21. A condition requiring the submission of a construction method statement is required in the interest of the protection of the living conditions of existing residents. A condition relating to contamination is necessary in the interest of the protection of the future occupants. Conditions relating to boiler emissions and water efficiency are necessary in the interests of air quality and sustainability.
22. Conditions relating to a commercial service and delivery plan, commercial opening hours and commercial uses are required for certainty and in the interests of the protection of the living conditions of existing and future residents and highway safety. A condition relating to outward opening doors and windows is also necessary in the interest of highway safety. A condition relating to the submission of details of the occupancy of permitted residential units is necessary in the interest of certainty and to ensure a satisfactory standard of accommodation is provided.
23. Conditions relating to accessibility and a disabled parking bay are necessary to ensure that inclusive design is achieved and maintained for future occupiers. Conditions relating to cycle and bin storage are required to ensure that appropriate facilities are provided for future occupiers. A piling condition is necessary in the interest of the protection of underground infrastructure. A condition relating to finished floor levels is required in the interest of minimising flood risk.
24. Whilst limited site-specific information is available regarding parking pressure, the appeal site nevertheless falls within a controlled parking zone (CPZ). I note that CS Policy IM(c) requires that 'developments supported by a high level of public transport accessibility and within a CPZ should be car free'. There is no evidence before me demonstrating that such an approach should not apply in this case, noting that the site has a PTAL rating of 4. I also note that London Plan policy T6 sets out how 'car-free development should be the starting point for all development

proposals'. In that context, a condition requiring that the additional unit created be car-free is justified and necessary.

25. Conditions relating to accessibility, a construction method statement and samples are required pre-commencement for certainty and to ensure that these measures are properly designed in prior to the commencement of development.

### **Conclusion**

26. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

*A Price*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with drawing numbers: P001 REV A, P010 REV A, P011, P012, P020, P021, P022, P100 (Rev. E), P101 (Rev. F), P102 (Rev. G), P103 (Rev. E), P104 (Rev. E), P106 (Rev. G), P200 (Rev. I), P201 (Rev. H).
- 3) No development above ground level shall take place until a detailed schedule and samples of all external facing materials and finishes/windows and external doors/roof coverings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
  - i) details of delivery, demolition and construction working hours;
  - ii) details of likely noise levels generated during construction;
  - iii) measures to monitor and control the emission of dust, dirt, noise and vibrations during construction;
  - iv) details of how the implementation of the development would not result in unacceptable impacts on the highway network during the construction phase; and
  - v) a photographic survey of the condition of the highway around the site.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) Prior to the commencement of the development hereby permitted, drawings illustrating that the new dwellinghouses comply with Building Regulation requirement M4(2) 'accessible and adaptable dwellings', shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter for the lifetime of the development.
- 6) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 7) Prior to the occupation of the commercial unit within the development hereby approved, a Delivery and Servicing Plan for this unit shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and operated in accordance with the approved details and maintained as such for the lifetime of the development.
- 8) Prior to the occupation of the commercial unit within the development hereby approved, the hours of operation of the proposed commercial unit shall be submitted to and approved in writing by the Local Planning Authority. The

development shall be implemented and operated in accordance with the approved details and maintained as such for the lifetime of the development.

- 9) The commercial unit hereby approved shall operate within the following uses only: Use Class E(a) – Retail; Use Class E(c)(i) - Financial Services; Use Class E(c)(ii) - Professional Services; Use Class E(c)(iii) - Other appropriate business uses.
- 10) Prior to the first occupation of the development hereby approved, details of a scheme to secure the development as a car-free development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme or agreement shall ensure that:
  - i) no occupiers of the approved development shall apply for, obtain or hold an on-street parking permit to park a vehicle on the public highway within the administrative district of the Local Planning Authority (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation); and
  - ii) any occupiers of the approved development shall surrender any such permit wrongly issued or held.

Such scheme or agreement shall be implemented prior to the occupation of the development hereby permitted and shall be retained and operated for so long as the use hereby permitted continues.

- 11) Prior to the first occupation of each individual residential (C3, C4 or Sui Generis HMO) unit hereby approved, the Council shall be notified of the number of persons to reside in each unit and the exact use class the unit is being occupied under. In the case of any HMO uses (C4 or Sui Generis HMO uses), the number of persons residing in each specific unit shall not exceed the number hereby approved.
- 12) Prior to the first occupation of the development hereby approved, full details of the proposed cycle storage units (including location, size materiality and locking mechanism details) shall be submitted to and approved in writing by the Local Planning Authority. The submissions shall demonstrate that the proposed cycle storage units would be constructed in accordance with the requirements of the London Cycle Design Standards (2014). The development shall be implemented in accordance with the approved details and maintained as such for the lifetime of the development.
- 13) Prior to the first occupation of the development hereby approved, the proposed cycle and bin storage arrangements, as set out within the approved submissions, shall be made available for the occupiers of the proposed development and maintained as such for the lifetime of the development.
- 14) Prior to the first occupation of the development hereby approved, details of a scheme (as well as evidence that any relevant payment has been made to the local authority's Transport and Highways Department) to secure an on-street disabled persons parking bay near to the site shall be submitted to and approved in writing by the Local Planning Authority.
- 15) No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential

for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

- 16) The boilers to be used for the new residential units shall have dry NO<sub>x</sub> emissions not exceeding 40 mg/kWh (0%).
- 17) All dwellings hereby approved shall be constructed in order to achieve a reduction in water demand to a maximum of 105 litres per person per day.
- 18) The first floor finished floor level of the development hereby permitted shall be set no lower than 5.5 metres above Ordinance Datum in accordance with the submitted flood risk assessment.
- 19) None of the proposed ground floor external windows and doors of the development hereby approved shall be openable in such a way that these openings could open out over the highway.

END OF SCHEDULE