



Appeal Decision

Site visit made on 8 January 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal Ref: APP/E5330/W/23/3334423

82-84 Blackheath Road, Greenwich SE10 8DA

- 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 Evergreen Associates Limited against the decision of The Council of the Royal London Borough of Greenwich.
 - The application Ref is 23/2465/F.
 - The development proposed is construction of a third-floor mansard roof extension to provide 1 x two bed flat.
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Decision

1. The appeal is allowed and planning permission is granted for construction of third floor mansard roof extension to provide 1 x two bed flat at 82-84 Blackheath Road, Greenwich SE10 8DA in accordance with the terms of application Ref: 23/2465/F, subject to the conditions set out in the attached annex.

Preliminary Matter

2. An updated version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The relevant parts of the Framework have not materially changed and whilst the parties have not been asked to comment, I am satisfied they have not been prejudiced as a result.

Main Issues

3. The main issues are
 - the effect on the character and appearance of the host building, the adjoining locally listed building and surrounding area, including the Ashburnham Triangle Conservation Area.
 - Whether sufficient parking would be provided.

Reasons

Character and appearance

4. The appeal site comprises a three-storey modern building of brick elevations with basement. It is sited along the back edge of the pavement of Blackheath Road, a busy main road characterised predominantly by commercial properties. The building on the appeal site lies within a frontage of buildings of varying height and age which front the main road.

5. The adjoining building to the east comprising No. 86 is a locally listed building of three stories height, with basement, of rendered elevations and front parapet roof edge with chimneys visible in the street scene. The listing description is as follows:

“Early 19th Century house. 3-storeys and sunk basement, the left part being in canted angle to blank left return. Painted brick. Banded, rusticated stucco ground floor. Stucco frieze, cornice and blocking course concealing roof. Doric prostyle porch. New 6-panelled timber door. Rectangular fanlight, with side lights, these defined by narrow pilasters below cornice head and curved brackets above. Wrought-iron area railings and gates with spearhead standards.”
6. To the other side (number 80) is a modern building of contemporary design of four stories, the top floor set back from the main front elevation and with a distinctive circular ‘tower’ feature to one side.
7. The terrace of properties opposite the site (Nos. 37-45) are Grade II listed buildings of early 19th century origin and of three storey height with basements, of yellow stock brick elevations and distinctive features including stucco frieze, cornice and blocking course concealing roof and stucco band at first floor cills with brick arches to recessed sash windows. There is a mansard roof addition to number 45.
8. The Conservation Area Character Appraisal (2008) (CAA) notes that the area is bounded by three main roads, one of which is Blackheath Road, and which contain built development of the 17th and 18th centuries with mainly 19th century development in the mainly residential areas in between. Factors which contribute to the townscape character of Blackheath Road include the relative consistency and character of the scale and height of the buildings, typically with three floors, often lower, with rooms at basement level. Many of the older Georgian terraces were designed with front parapets so that the roofs were minimally visible.
9. The proposed mansard roof extension would be set back from the front edge of the roof and finished in slate tiles with a series of windows. It would not be dissimilar in appearance to the existing mansard roofs within the immediate street scene, though would be smaller in scale than that at Number 78, to the west of the appeal site. Whilst it would be sited adjacent to the locally listed building at No. 86, its overall height would remain below that of the party wall and would be only marginally higher than the height of the front parapet. Overall, given its set back position and ‘mansard’ design externally finished with slates it would not appear unduly dominant.
10. The existing sloping roofs above the building on the appeal site and on the adjacent locally listed building are not readily visible from within the street scene and whilst the proposed mansard would be likely to be seen, its set back and relatively low overall height would ensure that it would not be an intrusive feature. Nor would it detract from the pleasant elevations of the adjacent locally listed building, the distinctive parapet roof edge of which would remain as the dominant feature with the proposed mansard addition having a recessive appearance when viewed against it.
11. In terms of the wider street scene on the southern side of Blackheath Road within which the appeal site lies, given the variation in terms of roof heights and age and design of buildings, which include mansard roofs, the proposed addition would not appear incongruous.

12. The proposed mansard addition would also be visible at the rear albeit mainly from within the private parking areas of the adjoining flatted developments, including that of the appeal site itself, and seen within a context that contains existing mansard roofs (Number 82). The proposed mansard roof would be of similar height to the existing pitched roof elements to the rear of the locally listed building at Number 86 and given its overall design and height and set back behind a slightly raised parapet edge, would not appear unduly dominant or overbearing in this view.
13. Overall, the proposal would not harm the character or appearance of the host dwelling or surrounding area. It would comply with Policies DH1, DH3 and DH(a) and (h) of the Royal Greenwich Local Plan: Core Strategy Detailed Policies (2014) (RGLP) and Policies D3 and HC1 of The London Plan (2021) (LP) which seek a design led, high quality approach that optimises the capacity of sites whilst ensuring that it is compatible with the site context, that positively responds to local distinctiveness and which preserve or enhance the character or appearance of the conservation area and conserve the significance of heritage assets.
14. Regard has been had to the duty under S72 of the Planning (Listed Buildings and Conservations Areas) Act; there would be no harm to the Ashburnham Triangle Conservation Area and its character and appearance would be preserved.

Parking

15. The appeal site has a Public Transport Accessibility Level (PTAL) score of 5 which indicates a high level of public transport accessibility. Residential car parking standards set out in LP Policy T6.1 indicates that in such areas development should be car-free but should be served by appropriate cycle parking. The proposal provides for 4 cycle storage spaces within the existing rear parking area resulting in the loss of one existing parking space.
16. The Council does not object to the loss of this space and given the sites location within an area of high accessibility I would concur. The Council does object to the provision of a new, replacement car parking space, as indicated on the submitted plans, which is proposed to be located to the rear of the adjoining building. I would agree that this would be contrary to the car-free approach indicated above and could unacceptably impact on the living conditions of the occupiers of the nearest flat. However, as noted by both parties, this space lies outside the red edged appeal site, nor is it otherwise shown to be on land within the control of the appellant. As such, it does not form part of the proposal. However, for the avoidance of doubt, this can be clarified via condition.
17. Subject to controls to ensure that the occupiers of the proposed development cannot apply for parking permits in the local controlled parking zone, the proposed parking arrangements would be acceptable. In this respect, I note that Transport for London (TfL) indicate that this should be secured via a S106 Agreement; however, the Council has suggested a condition and given that such matters could be secured through agreement with future occupiers, details of which could be provided pursuant to such a condition, this would provide sufficient control.
18. I note that TfL has also suggested that occupants of the proposed flat should also be prohibited from using the existing parking spaces to the rear of the site, but this would be an unnecessarily onerous and unenforceable requirement.

19. I find that the proposal would be served by appropriate parking provision and would thus comply with LP Policies D13, D14, T2, T6 and T6.1 and RGLP Policy E(a) which seek to ensure that development minimises any adverse effects of noise nuisance and that development facilitates residents making shorter regular trips by walking and cycling and car parking that is restricted in line with the levels of existing and future public transport accessibility and connectivity, with car-free development being the starting point for all development in places that are well connected by public transport and otherwise in accordance with the stated maximum parking standards.

Other Matters

20. I have taken into account the policies of the Framework but find for the reasons set out above that the proposal would be well designed and would conserve the significance of the affected heritage assets; furthermore, it would promote the use of sustainable modes of transport and would not cause harm to the amenity of nearby occupiers in accordance with sections 9, 12 and 16.
21. It is common ground that the Council is currently unable to demonstrate a five-year supply of housing in accordance with paragraph 78 of the Framework. However, given my findings above I conclude that overall, the proposal accords with the development plan, and thus should be approved in accordance with Framework paragraph 11(c). The proposal would provide a useful small unit of residential accommodation in a sustainable location which would make a useful contribution to local housing supply and adds further support to the grant of permission.
22. I have considered the conditions suggested by the Council and have reviewed these in the context of Framework paragraph 57. I agree that these should include one to relate to the approved plans in the interest of clarity. In light of the comments of TfL a detailed Construction Management Plan is needed. A condition to ensure that the development is fully accessible is necessary in order to ensure that it meets the needs of the local community. Conditions to ensure that the approved cycle and refuse storage / facilities and details of the car-free development are in place prior to occupation are also necessary in the interests of the amenities of future occupants and to promote sustainable travel. Conditions to control water use and require details of boilers to be used are necessary in order to minimise the effects on natural resources and of climate change.
23. Overall, I find that the proposal accords with the development and there are no material considerations that indicate a decision other than in accordance with it.

Conclusion

24. It is therefore concluded that the appeal should be allowed and planning permission granted.

P B Jarvis

INSPECTOR

ANNEX 1: CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall accord with the following approved plans: 1433/01 (location plan), 1433/02 (existing block plan), 1433/03 (existing roof plan), 1433/04 (existing elevations and section), 1433/05 (existing rear elevation), 1433/06 (existing second floor plan), 1433/09 (proposed block plan), 1433/10A (proposed third floor plan), 1433/11A (proposed roof plan), 1433/12A (proposed elevations and section CC), 1433/13A (proposed rear elevation and section BB) and 1433/14 (proposed cycle and refuse storage),
- 3) The materials to be used on the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Development shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall provide for a management scheme to control and minimise emissions of pollutants and the creation of noise pollution from the construction of the development and should include a risk assessment and method statement in accordance with the control of dust and emissions from Construction and Demolition Best Practice Guidance published by the Greater London Authority. The scheme shall set out the secure measures, which can, and will, be put in place.

The demolition and construction process shall thereafter be carried out in accordance with the approved details.

- 5) The development hereby permitted shall not be occupied until the refuse and recycling storage and collection arrangements as indicated on the approved plans have been provided. They shall be maintained as such thereafter for the lifetime of the development.
- 6) Prior to the commencement of the development, drawings to demonstrate that the dwelling hereby permitted complies with Building Regulation requirement M4(2) 'accessible and adaptable dwellings', have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and retained for the lifetime of the development in accordance with the approved details.
- 7) The cycle storage details as indicated on the approved plans shall be provided prior to the first occupation of the dwelling hereby permitted and maintained thereafter for the lifetime of the development. For the avoidance of doubt, this permission does not relate to the provision of any additional or replacement car parking either within the site or on adjoining land, as indicated on drawing no: 1433/14.
- 8) Prior to the first occupation of the development hereby approved, details of the boilers shall be submitted to and approved in writing by the Local Planning Authority. The boilers shall have dry NO_x emissions not exceeding 40 mg/kWh (0%). The boilers shall be installed and retained for the lifetime of the development in accordance with the approved details unless prior written approval of the authority is given.

- 9) The development hereby permitted shall comply with Regulation 36(2)(b) of the Building Regulations 2010 (as amended by the Building Regulations (Amendment) Regulations 2015/767) and as set out in section G2 of the Building Regulations Approved Document (110 litres per person per day).
- 10) The dwelling hereby permitted shall not be occupied until details of how the development is to be maintained throughout its occupation as a 'car-free' development have been submitted to and approved in writing by the Local Planning Authority. The approved scheme / agreement should ensure that all future residential occupiers of the approved development cannot apply for or obtain an on-street parking permit to park a vehicle on the surrounding public highway. The development shall thereafter only be occupied in accordance with the approved scheme.