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## Appeal Decision

Site visit made on 23 January 2025

**by N Praine BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

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**Appeal Ref: APP/E5330/W/24/3346663**

**334 Creek Road, Deptford SE10 9SW**

- 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 R Singh against the decision of the Council of the Royal Borough of Greenwich.
  - The application Ref is 22/0513/F.
  - The development proposed is described as the demolition of an existing commercial unit and construction of a new 2 storey building plus mansard roof, over basement to provide a commercial unit at ground and basement with 1-bed flat above.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The views of the main parties were sought following the publication of the revised National Planning Policy Framework ("the Framework") on 12 December 2024. The responses have been considered in this decision.
3. Following the submission of a Flood Risk Assessment, the Council confirmed that the third reason for the refusal of planning permission relating to flood risk has been resolved, subject to appropriate conditions. I will return to this matter later.

### Main Issues

4. The main issues therefore are the effects of the proposed development upon:
  - Assets of archaeological significance;
  - The character and appearance of the area including the setting and significance of designated and non-designated heritage assets; and
  - Waste storage and collection.

### Reasons

#### *Archaeology*

5. The proposed development would be within an Area of High Archaeological Potential linked to the historic settlement of Greenwich. The site is also near to St Alfege Church which has Saxon origins.

6. Paragraph 207 of the Framework states that an applicant is required to describe the significance of any heritage assets affected. The level of detail should be proportionate to the assets' importance and no more than sufficient to understand the potential effects upon significance. Where a site includes, or would have the potential to include, heritage assets with archaeological interest, developers are expected to submit an appropriate desk-based assessment (DBA) and, where deemed necessary, a field evaluation.
7. The appellant has not submitted a DBA but suggests that this could be undertaken as a pre-commencement condition to be agreed before any works begin. I have carefully considered this suggestion; however, the appeal site has a significant degree of potential for heritage assets. Given the absence of information at this stage it is difficult to understand the significance of the assets and the effects of the proposed development upon them. As Policy HC1 of the London Plan states, development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation.
8. Assessment and evaluation should therefore take place before a planning application is decided to predict the presence of remains and assess their potential significance. This information should then be used to avoid harm or minimise it at the design stage of the development and not as a late consideration once the design is finalised.
9. I appreciate this may not have been an issue with earlier planning applications on this site. However, I am mindful Historic England were consulted during the application lifecycle of the current development as proposed, and they recommended a pre-determination archaeological assessment. Historic England also noted that the absence of pre-determination archaeological assessment should form a reason for refusal.
10. It is not clear how archaeological significance was assessed as part of earlier applications. However, the content of the Historic England consultation response in combination with the intervening publications of the Framework and London Plan are material considerations. I have therefore considered this main issue against the development plan taking all material considerations into account in coming to my overall finding.
11. Therefore, I cannot be certain of the effects of the proposed development upon assets of archaeological significance would be acceptable. Accordingly, it would conflict with the relevant provisions of Policy DH(m) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 ("the Core Strategy") and Policy HC1 of the London Plan 2021. These, amongst other things, make provision for the protection of archaeological assets.

### *Character and Appearance*

12. The appeal site forms a single storey flat roof building. It sits within a wider mixed street scene of buildings ranging in height up to four stories. Roof designs also vary with pitched roofs and flat roofs defining the local street scene. There is also diversity in materials and detailed architectural design of buildings. Modern and more traditionally designed buildings sit within this streetscape; however, the appeal site is flanked by two storey buildings with both of these displaying commercial frontages at ground floor and a more traditionally designed first floor.

13. The appeal site is a heritage sensitive location, falling within the West Greenwich Conservation Area ("the CA") and Maritime Greenwich World Heritage Site ("the WHS") buffer zone. It is also near to a Grade II listed building, 34-42 (even) Greenwich Church Street, and locally listed buildings at 320-332 (even) Creek Road and 39-43 & 47-51 (odd) Greenwich Church Street.
14. As such, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, ("the Act") to have special regard to the desirability of preserving listed buildings or the setting or any features of special architectural or historic interest. Also, I have a statutory duty under section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
15. The Council draws my attention to policy regarding design quality and heritage assets as set out in the Framework and the London Plan. These documents have been published since earlier, similar, development on this site was approved. I have therefore considered the proposed development afresh in light of the current policy landscape.
16. The Framework says that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Great weight should be given to the asset's conservation and significance can be harmed or lost through development within its setting.
17. The significance of this part of the CA is defined, in part, by the quality of its townscape and the diversity of its architecture. It sits within the historic town centre full of vitality and interest. The CA sits close to the heart of a cosmopolitan city and does not appear to have its own building style or distinct palette of local materials. Instead, it thrives on its range and mix of materials; this contributes to the vibrancy of the area.
18. The WHS includes a number of historic buildings representing its maritime importance. The buildings, landscape and association with the monarchy contribute to the significance of the WHS. The appeal site falls within the buffer zone which surrounds the WHS. This buffer gives an added layer of protection to the immediate setting of the WHS, as well as important views or other attributes that support the WHS.
19. The significance of the area surrounding the appeal site is further enhanced by the setting of the Grade II listed building, 34-42 (even) Greenwich Church Street. The interest of this building is partly derived from its part of a market plan, its detailed design features, and its unified composition. Locally listed buildings are also sited nearby at 320-332 (even) Creek Road and 39-43 & 47-51 (odd) Greenwich Church Street; these are rendered to the front with some group and historic value.
20. The proposed development would see the existing building demolished and the erection of a two-storey building with a mansard roof. The proposal would also include a basement level. Proposed materials would include yellow stock bricks, slate to the roof, wooden framed windows and lead clad dormer windows.

21. I appreciate that the proposed development would visually sit as a three-storey building flanked by two storey buildings and mansard roofs do not feature within the locality. However, the roofscape along this section of Creek Road and Greenwich Church Road varies with no distinct height or design characteristic prevailing.
22. The existing vibrancy of this area is defined in part by the varying heights and appearance of the buildings as one travels along Creek Road and Greenwich Church Road. The proposed development would nod to this diversity and vibrancy by continuing the variation in height along the streetscape.
23. There would also be some careful design feature references proposed which would remain authentic to the streetscape such as matching window design and the proposed parapet roof which matches its adjacent neighbours at first floor level. The mansard roof would also be set behind the parapet wall, and it would have curved edges both to its sides and to the elevation facing the road.
24. These design features would coherently reduce, to an acceptable level, the prominence of the roof when experienced within its contextual setting including the modest scale character and built heritage of the adjacent locally listed buildings 320-332 (even) Creek Road. The development would therefore incorporate architectural design cues from the local vernacular but also successfully introduce its own interest and identity to compliment the existing rich and diverse streetscape.
25. The overall shopfront including the fascia would be lower in height than the two adjacent shopfronts. During my site visit I noted that variation in shopfronts is also a feature of this existing streetscape and is very much a part of its charm. For instance, the “Chatime” unit is lower than the “Music and Video Exchange”, “Franco Manca” is lower than “Héfaure” and “Casbah Records” is lower than “Snappysnaps” amongst other examples. The proposed development appropriately references this local variation and nods to its significance as a diverse area full of vitality and interest.
26. When viewed in the wider context, the proposed form, scale, appearance, and proportions of the development would speak to the vibrancy of this locality. It would, therefore, successfully integrate into the pattern and distinctive identity of this existing diverse street scene, making a positive contribution to the overall significance of the CA and without harm to the significance of 34-42 (even) Greenwich Church Street.
27. The proposal would be acceptable when experienced locally, it would also acceptably assimilate and nestle between existing buildings both to its flanks and to its rear within the WHS buffer zone. This would protect the authenticity, integrity, setting, important views, and other attributes that support the outstanding universal value of the WHS as a key feature of London’s identity as a world city.
28. The Council indicate that the proposed development would not result in tangible harm to the character of any other designated or non-designated assets given the distance and relationship of the appeal site from these other locally listed or grade listed buildings. Having visited the site and from what is set out above, I have no reason to disagree with this finding.

29. Therefore, when viewed in the context of the wider streetscape, the proposed development would sympathetically add some variation while conserving local distinctiveness, its sense of place, historic quality, and significance.
30. In conclusion on this main issue, the proposed development would acceptably respond to the character and appearance of the area including the setting and significance of designated and non-designated heritage assets. As a result, it complies with the relevant provisions of Policies DH1, DH3, DH4, and DH(h) of the Core Strategy and Policies D3, HC1 and HC2 of the London Plan. These, amongst other things, look to preserve or enhance the significance of heritage assets.
31. The appeal development would have two front facing windows in the proposed mansard roof. These are shown on the proposed front elevation, second floor plan, roof plan and section B-B. However, they are not shown on the proposed west (side) elevation. Additionally, one of the front facing mansard roof windows is missing a horizontal glazing bar. As I am dismissing this appeal for other reasons, there is no need for me to pursue these issues further.

### *Waste Storage and Collection*

32. The applicant explains that commercial waste and recycling would be stored in a designated location in the basement, and this is shown on the proposed floor plans and this aspect would be served by private commercial collections. Residential waste and recycling from the one-bedroom flat would be stored in the flat and put out on collection days.
33. This is a logical, convenient, and practical approach to dealing with waste and recycling at this site given its scale and constraints. There is limited evidence to show that appropriate storage would not be provided internally for both the commercial and residential uses. There is also limited reasoning as to why roadside collections would not be acceptable. Indeed, collection would be easily accessible for operatives and their vehicles.
34. Further details concerning internal storage and where waste would be put out on collection day could form part of a detailed waste storage plan to be agreed via condition with the Council had this appeal been acceptable in all other regards.
35. Therefore, the effect of the proposed development on waste storage and collection is acceptable. It would comply with the relevant provisions of Policies DH1 and H5 of the Core Strategy and Policy SI7 of the London Plan. These, amongst other things, make provision for new development to achieve a high quality of housing design with adequate provision for waste and recycling.

### **Planning Balance**

36. I have found the proposal would conflict with policies that look to make provision for the protection of archaeological assets. These assets are an irreplaceable resource and should be conserved so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The adverse impact of the conflict between the proposal and these policies therefore carries significant weight in this appeal.

37. However, it is not disputed that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The evidence shows that the supply is 2.46 years, so the shortfall is substantial. In these circumstances, the approach to decision-making set out at Paragraph 11d) of the Framework applies.
38. Set against the harm that I have found, there would be benefits associated with the development. It would support the Framework's objective of significantly boosting the supply of homes and at one unit would make a modest contribution towards addressing the current shortfall in housing land supply. In addition, the proposed development would secure a well-designed place following the removal of the existing building. The site would also make effective use of land and would be accessible by sustainable modes of transport, in a sustainable location. There would also be economic and social benefits. However, the scale of the development means that these benefits when considered in the round would be moderate in weight.
39. Consequently, when assessed against the policies in the Framework, taken as a whole, the benefits of the proposal are significantly and demonstrably outweighed by the adverse impacts. The advice at paragraph 11d) does not, therefore, indicate that my decision should be otherwise than in accordance with the development plan.
40. I appreciate the Council found no other harm other than that which is set out in its decision, and I found the impact regarding waste storage and collection to also be acceptable. However, the absence of harm in these aspects has limited bearing on my overall findings.
41. While the existing building is not considered to have heritage value, its impact has not been shown to be harmful to heritage assets either. Additionally, the existing building has also not been robustly shown to be commercially unviable in its current format. Therefore, these considerations carry limited weight in the planning balance and do not alter my overall findings.

## **Other Matters**

### *Flood Risk*

42. The site is in Flood Zone 3 defined by the Environment Agency ("EA") Flood Map for Planning as having a high probability of flooding. Whilst the site is protected by the River Thames tidal flood defences, EA flood modelling shows that the site is at risk if there were to be a breach in the defences. The development of the site would inevitably increase the need for appropriate measures to deal with potential flood risk.
43. The appellant has provided a Flood Risk Assessment setting out mitigation measures for the site as part of this appeal. The Council state that the evidence provided would resolve its concerns relating to flood risk and drainage and overcomes the third reason for the refusal of planning permission.
44. I broadly agree with the position of the Council in this respect. But I note that details of the sequential test, considerations for those with limited mobility exiting the basement in the event of flooding, and details of aspirations to reduce flood risk overall are either missing or not fully explained in evidence. As this appeal fails on other grounds there is no need for me to consider these matters further.

*Processing time of application*

45. The appellant has expressed concerns about the time taken to reach a decision by the Council during the application process. Whilst this must have caused the appellant some distress, this does not materially affect my consideration of the planning merits of the appeal proposal.

**Conclusion**

46. The proposal would conflict with the development plan when taken as a whole and for this reason the appeal should be dismissed. There are also no other material considerations of sufficient weight to indicate a decision should be made contrary to this conclusion.

*N Praine*

INSPECTOR