



Appeal Decision

Site visit made on 3 June 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal Ref: APP/E5330/W/25/3360874

2 & 5 Clubb Close, Plumstead, London SE18 1DX

- 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 Mr Jaspal Cheema against the decision of the Council of the Royal Borough of Greenwich.
- The application Ref is 24/3040/F.
- The development proposed is for the change of use of two commercial units into two residential flats.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site forms part of the ground floor of a building approved by the Council¹ for the conversion and extension into a mixed-use building with commercial ground floor and seven residential dwellings over upper floors (the original permission). The Council indicate that approved plans for the original permission show a single commercial unit with storage within the appeal site. However, the existing ground floor plan² indicates that 2 and 5 Clubb Close (the appeal site) are laid out as two separate commercial units, and this was confirmed during my site visit. I also saw that an additional window above the number shown on the existing and proposed plans, has been inserted into the rear wall of 2 Clubb Close. Even so, I have determined the appeal based on the proposed plans before me.

Main Issues

3. The main issues are:
 - whether the proposed development would provide adequate living conditions for future occupiers with particular regard to outdoor amenity space, privacy, light and outlook; and
 - the effect of the proposed development on the availability of employment space within the area.

Reasons

Living conditions

4. The appeal site is located within Plumstead District Centre. It is located to the rear of a ground floor commercial unit that fronts onto Plumstead High Street and is accessed through an archway that leads onto Clubb Close.

¹ Council ref: 17/1285/F

² Drawing no: 04 Existing and Proposed Plans Aug 2024

5. The east facing elevation of Unit 2 and 5 sits immediately adjacent to a yard area to the rear of a fast-food outlet that also fronts onto Plumstead High Street, in third-party ownership and outside of the control of the appellant. Each dwelling would contain habitable room windows that would face immediately onto this area. I saw items including bins located close to windows during my site visit. Whilst these items may have been positioned there temporarily, further items close to these windows could be placed on this land in the future which could compromise outlook and restrict light to these rooms. Furthermore, any staff using this area, even if only on an infrequent basis, would have direct views into the proposed flats. If this were to occur, this would compromise levels of privacy.
6. The appellant suggests that the future occupiers could fit curtains or blinds to their windows to maintain privacy. However, this in itself would result in a poor level of outlook and reduce levels of light for the occupiers of the proposed dwelling in Unit 2. This is particularly given that this unit would be primarily served by windows on the east facing side of the building. Whilst this flat would also have an entrance door/window onto Clubb Close, this opening is set forward of the proposed living/dining/kitchen area and would be obscure glazed. This would not provide meaningful alternative outlook for this room or the proposed bedroom.
7. Bedroom 2 in Unit 5 would be served by a window that faces towards a high wall which forms the shared rear boundary of dwellings that front onto Mineral Street. By virtue of its very close proximity and height, this would result in a constrained outlook and compromise levels of light for occupiers of this room. The cleaning and painting of this wall white and applying artificial wall planting would not mitigate the harm identified.
8. Even if the east and west facing windows meet a 25-degree test, no substantive evidence, for example a daylight/sunlight assessment, has been provided by the appellant to demonstrate that adequate levels of light could be achieved.
9. Whilst the proposed units would meet the minimum space standards in relation to private internal space, it would not meet the minimum size requirements for the provision of private outside space. The Mayor of London Housing Supplementary Planning Guidance (2016) (SPG) advises that site constraints may make the provision of private outdoor space impossible, and in exceptional circumstances, a proportion of dwellings may instead provide additional internal living space equivalent to the private open space requirement. However, the evidence before me indicates that the internal living space would also fall short of this requirement.
10. The appellant has suggested that the courtyard area on Clubb Close to the front of the appeal site could be utilised for the provision of private outdoor space. It is further noted that this area is likely to receive direct sunlight and soft landscaping and seating could be added. However, there is no detailed plan before me to illustrate where such an area could be provided without compromising the vehicle parking, access and turning area that currently occupies the majority of this space. The appellant also indicates that there are alternative areas of open space located close to the appeal site, including Plumstead Gardens, Plumstead Common and Bostall Heath Woods. Even so, this does not address the conflict identified and the policy requirement to provide private open space in all new housing development.
11. I conclude that the proposed development would not provide adequate living conditions for future occupiers with particular regard to outdoor amenity space,

privacy, light and outlook. In this regard, it would conflict with Policy D6 of The London Plan (2021) (LP) and Policies H5 and DH1 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014) (CS) which require housing development to be of a high quality design with comfortable and functional layouts, to provide sufficient daylight and sunlight and to provide a good sized balcony, a terrace or enclosed communal gardens.

12. There would also be conflict with the policies of the National Planning Policy Framework (the Framework) which requires decisions to ensure developments have a high standard of amenity for existing and future users.

Employment space

13. Even though the appeal site is currently vacant, the proposed change of use to two residential flats would result in the loss of employment space. Whilst the appellant indicates that Policy EA1 of the CS specifically encourages economic development in other parts of Greenwich such as Woolwich, Charlton Riverside and Greenwich Peninsula, Policy EA(a) of the CS seeks to maximise the contribution to employment from sites in existing or previous employment use, regardless of its location.
14. The second part of Policy EA(a) also contains criterion relating to proposals for non-employment uses on vacant employment sites. The Council indicate this part of the policy is relevant to the appeal proposal and I have not been provided with any objective evidence to dispute this. The appellant states that the appeal site has not been rented and there has been no business interest since the construction of the building around 2020. However, I have not been provided with any evidence to confirm that the appeal site has been marketed at a fair price and terms for at least two years in line with ii. of Policy EA(a) of the CS. Such evidence might include a marketing report. Moreover, no substantive evidence has been provided to suggest that the proposal would meet i. or iii. of this policy. The building is of a modern construction planned as part of a mixed-use development and it has not been suggested that the site is environmentally or physically unsuitable for any employment generating use.
15. My attention has been drawn to the SPG, which provides guidance on the release of surplus and industrial land/sites for housing delivery. Whilst there might be other commercial units along Plumstead High Street that are vacant, I am not aware of the specific reasons for this. As such, this does not demonstrate that there is a surplus of employment space, similar to the existing use of the appeal site, in this particular area.
16. The commercial unit to the front of the site appeared to be in use at the time of my site visit, operating as a self-contained unit separate to the appeal site. On this basis, it seems unlikely that the appeal proposal would negatively affect the viability of this unit.
17. Even so, I conclude that it has not been demonstrated that the proposed development would not result in a harmful effect on the availability of employment space within the area. In this regard it would conflict with Policy E2 of the LP and Policies EA1 and EA(a) of the CS which seek to support increased employment opportunities, protect a range of business space and maximise the contribution to employment from sites in existing employment use.
18. The appeal proposal would also conflict with the policies of the Framework which requires significant weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Other Considerations

19. The proposed flats would make a minor yet positive contribution to housing supply in a location well served by public transport. The proposed flats would incorporate modern sustainability/energy saving techniques, would be car free and cycle storage would be available. Whilst the existing use could generate footfall to Plumstead District Centre, the occupiers of the proposed dwellings could also support a wide range of town centre uses and services. Given that the appeal proposal is for two additional dwellings, these associated benefits would be limited.
20. The appellant indicates that the Article 4 Direction which prevents permitted changes of use from Class E to Class C3³ should not technically apply to the appeal site. However, I have no substantive evidence before me, such as a lawful development certificate, to confirm this.
21. I also note that the Council identified no other harm, including in relation to noise, access, waste, flooding, heritage or parking. However, these considerations indicate the absence of harm in those respects rather than any benefit.

Planning Balance

22. The Council has stated that they are only able to demonstrate a housing land supply of 2.46 years which is below the five-year supply of deliverable housing sites required by the Framework. As such, Paragraph 11 d) of the Framework is relevant.
23. In the particular circumstances of this case, I have concluded that it has not been demonstrated that the proposed development would not result in a harmful effect on the availability of employment space within the area. The proposal would also fail to provide adequate living conditions for future occupiers with particular regard to outdoor amenity space, privacy, light and outlook. These collective harms would be significant and would conflict with the aforementioned policies of the Framework.
24. Whilst recognising that a site such as this can make a small albeit important contribution to the housing requirement of the area, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the proposal does not benefit from a presumption in favour of sustainable development and paragraph 11 d) of the Framework indicates that permission should not be granted.

Conclusion

25. The proposed development would conflict with the development plan as a whole and the material considerations, including the provisions of the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR

³ Town and Country Planning (Use Classes) Order 1987 (as amended).