



## Appeal Decision

Site visit made on 8 May 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30<sup>th</sup> of June 2025

---

**Appeal Ref: APP/E5330/W/24/3355219**

**6 Victoria Way, Charlton, London SE7 7RE**

- 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 Imtiaz Mukhtar of ULT Ltd against the decision of the Council of the Royal Borough of Greenwich.
  - The application reference is 24/2687/F.
  - The development proposed is the construction of two additional storeys to provide additional residential dwellings in the form of 3x 1-bedroom units and 4x 2-bedroom units with associated refuse storage and cycle parking provision.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the construction of two additional storeys to provide additional residential dwellings in the form of 3x 1-bedroom units and 4x 2-bedroom units with associated refuse storage and cycle parking provision at 6 Victoria Way, Charlton, London SE7 7RE in accordance with the terms of the application reference 24/2687/F, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The proposed development was described on the planning application form as the “construction of additional floor on top of the existing consented 23/1336/F plus a new lift”, making reference to an extant planning permission granted by an April 2024 appeal decision (PINS Ref: APP/E5330/W/23/3331290). A revised description, the “construction of two (2) additional storeys to provide additional residential dwellings in the form of 3 x 1 bedroom units and 4 x 2 bedroom units with associated increase in refuse storage and cycle parking provision”, was used on the decision notice issued by the Council, and subsequently by the appellant during the appeal.
3. I have used the amended wording, with minor alterations for clarity, in the banner heading and my formal decision above, as it provides a more accurate description of the proposal with respect to the appeal property today. I address the 2024 appeal decision at relevant points of my reasons below.
4. On 12 December 2024 the Government published a revised National Planning Policy Framework (“the Framework”), replacing the December 2023 version extant when the planning application was determined. The final appeal submissions were made in the light of the revised Framework so there has been no requirement for me to seek separate comments on the matter.

## Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

6. The appeal relates to a modern detached, three storey, flat roofed residential block of flats located on the western side of Victoria Way. There are five flats on the ground and first floors, and four on the second floor; the second floor is partially set back from the front and rear elevations and, though by only a very small amount, from the sides. The lower two floors of the building are constructed in yellow brick, while the top floor is clad in timber.
7. The immediate surroundings mainly comprise two-storey traditional terraced housing on both sides of Victoria Way, though Nos 2 and 4 are a pair of modern semi-detached dwellings in similar style to the appeal property, and immediately west of the site is a recently-built terrace of six three storey dwellings. At the junction of Victoria Way and Woolwich Road is Phipps House, a four-storey (probably early- to mid-20<sup>th</sup> Century) block of flats, with a similar block Hartwell House a short distance away on Troughton Road. Further south along Victoria Way are three modern blocks of flats, with (moving away from the appeal site) three, four and five storeys, behind which on Bowen Drive are several taller blocks. There is a large retail park, with substantial single-storey buildings, on the northern side of Woolwich Road.
8. The proposed development is the construction of two storeys on top of the existing building, providing four additional flats (one with one bedroom, and three with two bedrooms) on the third floor, and three (two with one bedroom, and one with two bedrooms) on the fourth floor. The four flats on the existing second floor of the building would not be extended, but the footprint of that floor would be enlarged by the erection of an extension on the front elevation to accommodate a new lift serving the entire building, and walls would be built to partially enclose the balconies of three of the four flats (that of Flat 14 at the north-eastern corner of the building would be left open). The new third floor would follow the footprint of the expanded second floor; the new fourth floor would be set in from the parapet of the floors below on all sides.
9. At present, the front parapet above the first floor is at approximately at the same level as the eaves of No 10 Victoria Way, the terraced house adjacent to the south side of the appeal property, and the recessed second floor rises to a similar height as the ridge of No 10. In its current form, the scale, bulk and height of the appeal property are therefore broadly in keeping with the traditional housing nearby. The appeal scheme would add around 6m to the height of the building; viewed from the south along Victoria Way, because of the way the existing recessed second floor would be taken into the expanded building envelope, there would be two storeys of plain brickwork plus the new fourth floor rising above No 10. Given the very small separation distance between the appeal property and No 10, the total height of the expanded appeal property would visually dominate and overwhelm its immediate neighbour, an effect which would be only slightly alleviated by the setting back of the fourth floor.
10. Existing residential buildings in the area tend to have repeating fenestration, whether this is the vertical bay-doorway-doorway-bay patterns of the terraced

houses, or the more grid-like rhythms of the blocks of flats; these give the area a very orderly, indeed somewhat regimented, appearance. The front elevation of the appeal property is (along with that of the similar 2-4 Victoria Way) therefore already somewhat unusual in the area, in that the existing second floor windows are not aligned with those on the two floors below, though the fact that that storey is set back from the edge of the building, and of different materials, somewhat tones down the visual impact. Under the appeal scheme, while the ground and first floors would retain their current orderly fenestration, on the front elevation the windows on the top three storeys would be set to a different arrangement. Not only that, each of those three floors would be different; the combined effect of this, including the inset balconies at second floor level, would be to give the building something of a haphazard appearance, at odds with the orderly character of the area. This would be especially noticeable when approaching from Troughton Road, from where a clear view of most of the frontage (including that of the set-back fourth floor) would be possible.

11. The appellant drew my attention to several of the relationships between existing blocks of flats in the area and terraces of housing, most of which I was able to see during my visit. Next to the two-storey No 24 Victoria Way (the far end from the appeal site of the same terrace as No 10) is a modern three-storey block, and the rising slope of the ground adds a further degree of emphasis to the height difference between the two; however, the side-to-side separation is much greater than would be the case here, so the contrast is less jarring.
12. Just round the corner from the appeal site, the four-storey Hartwell House block of flats is next to the two-storey terraced house No 29 Troughton Road. Again though, there is a greater separation distance than would be the case with the appeal scheme. Hartwell House is set further back from the road, has a hipped pitch roof and other reasonably traditional design and detailing broadly in keeping with the terraced housing. It also has regular and orderly fenestration breaking up its end elevation closest to No 29; because of all these factors it is less dominating of, and more sympathetic to, its immediate neighbour than would be the case here.
13. The tallest blocks on Bowen Drive, some of which are up to ten storeys high in parts, are almost entirely seen (close-up, at least) in the context of that modern development; the blocks around the edge of that scheme step down so that they are closer in height to their older neighbours. I saw this stepping down next to No 24 Victoria Way, as I have just described, and also at the southern end of Dupree Road south-west of the appeal site, and in both cases there is a more sympathetic relationship between the heights of the old and the new. In none of those other cases is there an abrupt “cliff” between a five-storey block of flats and a two-storey terraced neighbour as would result from this scheme; the same is true of two cases on Calvert Road (which I did not visit, but of which the appellant provided photographs). None of the other examples weigh significantly in favour of the appeal proposal.
14. The appellant referred me extensively to the 2024 appeal decision. I have no reason to disagree with my colleague’s conclusion in that appeal, but they were considering a proposal to add a single storey to the building; the scheme before me is for two additional storeys. Nothing in the 2024 appeal decision establishes that “the principle of upward extension has been established”, as the appellant has suggested, beyond that of the specific proposal which was before that Inspector; there is certainly nothing in that decision which indicates that two additional

storeys would necessarily be considered acceptable. On details, my predecessor in 2024 noted that the proposed fenestration “would appear to reflect and correspond with that of the existing building”, and would result in “the appeal building as proposed having a harmonious and well-balanced appearance, when viewed in the round”. While they were of course quite entitled to reach that conclusion, what might be acceptable in a four-storey building is not necessarily the same as what might work for a five-storey one, and I have found harm as described in paragraph 10 above. The 2024 appeal decision therefore only carries moderate weight in favour of this proposal. The scheme allowed by the 2024 appeal decision is a fallback position for the appellant but, as I have just explained I consider that it would be less harmful to the character or appearance of the area than this appeal scheme.

15. The harm which would be caused to the character and appearance of the area by the additional of a further storey over and above that allowed by 2024 appeal decision would be limited. Nevertheless, because of this harm I conclude that there would be conflict with Policies DH1 and H5 of the 2014 Royal Greenwich Local Plan: Core Strategy (“the RGLP:CS”), and with Policy D3 of the London Plan 2021; together, and among other things, those policies seek to ensure that new development, including residential development, achieves a high standard of design and responds positively to local distinctiveness, including by taking account of the architecture of surrounding buildings, and the scale, height, bulk and massing of the adjacent townscape.

### **Planning Balance and Conclusion**

16. There is no dispute in this case that the Council cannot demonstrate a deliverable five-year supply of housing sites; its evidence is that it only has a housing land supply of 2.6 years. In line with Footnote 8 of the Framework, I therefore consider that the most important policies for determining the appeal should be considered out of date, and the presumption in favour of sustainable development set out in Paragraph 11 d) of the Framework applied. As such, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. The Framework seeks to significantly boost the supply of housing. The appeal scheme would add seven new dwellings to the borough’s housing stock and, while this would make only a small contribution to boosting the supply of homes, in view of the significant undersupply in the area it is a benefit to which I give considerable weight. The Framework also seeks to achieve well-designed places, and to ensure that developments function well and add to the overall quality of the area, are sympathetic to local character, and establish or maintain a strong sense of place. As I have already described, the proposed development would be somewhat at odds with local character, and to this extent therefore it would conflict with the aims of the Framework. However, the harm that this would cause would be limited in what is, after all, a varied residential area and a sustainable location, with a range of shops, services and transport links very close by. Taking all of this together, I find that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of providing seven additional dwellings.

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise. While I have found that the proposed development would not comply with the provisions of the development plan in respect of the character of the area, the material considerations which I have identified (including the Framework) indicate that a decision other than in accordance with the development plan is appropriate. I therefore conclude that the appeal should be allowed and planning permission granted.

### **Conditions**

19. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance, as well as the comments made by the appellant (including that they did not object to those which the Council suggested should be pre-commencement conditions). Where necessary I have altered the proposed wording in the interests of clarity and effectiveness. In addition to the standard time limit condition (1) I have specified the approved plans and other documents so as to provide certainty (2).
20. A condition requiring the submission and approval of a Construction Method Statement (3) is necessary to protect living conditions for nearby residents, and the amenity of the area generally, and to comply with Policies DH(b), E(a), IM4, IM(b) and IM(c) of the RGLP:CS and Policies D14, T2 and T7 of the London Plan 2021. Details of external materials (4) are required to protect the character and appearance of the area, and to comply with Policies DH1, H5 and H(c) of the RGLP:CS and Policies D3 and D4 of the London Plan 2021. Conditions 3 and 4 are pre-commencement conditions.
21. A condition to prevent future occupiers of the development securing permits for the local Controlled Parking Zone (5) is necessary to promote sustainable travel and to reduce dependence on the private car, and to comply with Policy IM(c) of the RGLP:CS and Policy T6.1 of the London Plan 2021. A condition requiring the submission and approval of details of cycle storage facilities (6) is necessary to comply with Policies DH1, H5, IM4 and IM(c) of the RGLP:CS, and with Policies T2 and T5 of the London Plan 2021. A condition requiring the submission and approval of details of storage facilities for refuse and recycling (7) is necessary to comply with Policies H5 and DH1 of the RGLP:CS, and Policies SI7 and SI8 of the London Plan 2021.

*M Cryan*

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 the following approved drawings and documents:
  - 2401C EX01 – Site Location Plan
  - 2401C PL01 – Proposed Ground Floor Including Parking Cycles & Bin Storage
  - 2401C PL02 – Proposed Ground Floor Plan
  - 2401C PL03 – Proposed First Floor Plan
  - 2401C PL04 – Proposed Second Floor Plan
  - 2401C PL05 – Proposed Third Floor Plan
  - 2401C PL06 – Proposed Additional Fourth Floor Plan
  - 2401C PL07 – Proposed Roof Plan
  - 2401C PL08 – Proposed Front Elevation
  - 2401C PL09 – Proposed Rear Elevation
  - 2401C PL10 – Proposed South Side Elevation
  - 2401C PL11 – Proposed North Elevation
  - 2401C PL12 – Proposed Section 1-1
  - Planning Statement (NDA Commercial, July 2024)
- 3) 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 include:
  - i) A site plan identifying location of site entrance, exit, wheel washing, hard standing hoarding (distinguishing between solid hoarding and other barriers), stock piles, dust suppression, location of water supplies and location of nearest neighbouring receptors;
  - ii) A dust risk assessment, to include dust suppression methods to be used including details of equipment during the different stages of the development;
  - iii) Proposals for monitoring dust/particulates and procedures to be put in place where agreed dust/particulate levels are exceeded;
  - iv) Confirmation if a mobile crusher will be used on site and if so, a copy of the permit and intended dates of operation;
  - v) Details of wheel washing facilities, and facilities for discharging the water from those facilities.
  - vi) The site bonfire policy;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development shall take place until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted 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.
- 5) Prior to the first occupation of the seven residential units hereby approved, a written agreement must be submitted to and approved in writing by the Local

Planning Authority to ensure that all future residential occupiers of those units cannot apply for or obtain an on-street resident's parking permit to park a vehicle on the surrounding public highway. Such a scheme 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.

- 6) Prior to the first occupation of the seven residential units hereby permitted full details of the secure and dry cycle parking spaces shall be provided to, and approved in writing by, the Local Planning Authority. The cycle parking facilities shall be provided in accordance with the approved details before the first occupation of the seven units hereby permitted, and maintained for the lifetime of the development.
- 7) Prior to the first occupation of the seven residential units hereby permitted full details of the additional refuse and recycling storage provision shall be submitted to and approved in writing by the local planning authority. The refuse and recycling facilities shall be fully implemented in accordance with the approved details and made available for use prior to the first occupation of the seven units and shall be maintained for the lifetime of the development.