



Appeal Decision

Site visit made on 24 September 2025

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/E5330/W/25/3363165

12 Randall Place, Greenwich SE10 9LA

- 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 Randall Place Developments Ltd against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 24/2850/F.
 - The development proposed is described as 'demolition of the existing building fronting Randall Place to allow the erection of a new building providing community facilities at ground floor and residential units over upper floors'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council refers to discrepancies in the submitted plans, with the proposed floor plans showing the first and second floor rear balconies as west facing and the proposed elevations showing them as both south and west facing. This has not been clarified and in dealing with the appeal I have assumed that the proposed balconies would be as shown on the proposed elevations.
3. The appellant submitted amended proposed south and north elevations with the appeal documentation which show changes to the position of the windows. My consideration of the amended plans could cause procedural unfairness or prejudice to interested parties. Therefore, I have determined the appeal based on the plans considered by the Council.

Main Issues

4. The main issues in this appeal are:
 - whether the proposed scheme would be in a suitable location, with reference to policies concerned with development in areas at risk of flooding; and
 - the effect of the proposed development on the living conditions of the occupants of neighbouring properties, and whether acceptable living conditions would be provided for future occupiers, with particular regard to light, privacy and outlook.

Reasons

Suitability of location

5. The appeal site is within Flood Zone 3 where built development would be at a high risk of tidal flooding from the River Thames. Whilst it is protected by flood defences up to a 1 in 1,000 chance in any year, the Environment Agency's (EA) most recent flood modelling shows that the site is at risk if there were to be a breach in the defences. The risk of flooding from other sources is either very low or low.
6. Policy E2 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 (LP) addresses flood risk. Amongst other things, it indicates that the Strategic Flood Risk Assessment must be used to inform development and reduce flood risk in the Borough by applying the sequential and exceptions tests in the National Planning Policy Framework (the Framework) and accompanying Technical Guidance. The supporting text states that where a development is vulnerable to flood risk, alternative locations in the Borough should be considered and where there are no such locations, the development should only proceed when flood resistance and flood management are achieved.
7. The Framework seeks to avoid inappropriate development in areas at risk of flooding by directing it away from areas at highest risk. It requires the application of a sequential approach to the location of development to avoid, where possible, flood risk to people and property. It states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
8. The Planning Practice Guidance sets out further information on the application of the sequential approach. For planning applications, it outlines that reasonably available sites are those in a suitable location for the type of development proposed, with a reasonable prospect of being developed at the same time as the proposal.
9. The appeal scheme would accommodate less vulnerable community uses on the ground floor with more vulnerable residential uses above. Further, the appellant sought to address the EA's comments through the submission of an updated Flood Risk Assessment (FRA) and the EA withdrew its objection to the proposal. However, whilst the appellant states that much of the Borough is at risk of tidal flooding in the event that defences were breached, neither the updated nor the original FRA consider whether there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
10. Therefore, I conclude that it has not been demonstrated that the proposed scheme would be in a suitable location, with reference to policies concerned with development in areas at risk of flooding. This would be contrary to Policy E2 of the LP and the Framework's requirements in respect of flood risk.

Living conditions

11. The appeal site comprises a two storey building located in a dense residential area. It lies adjacent to Chaucer House, a modern three storey block of flats built close to the mutual boundary. To the rear are some boundary trees and the outdoor amenity space for the house at 2 Old Pearson Street, whilst the large five

storey building at Temair House is located to the north. The proposal is to replace the existing structure with a four storey building containing upper floor flats.

12. The Council's Urban Design Guide Supplementary Planning Document 2023 requires proposals to avoid unacceptable loss of privacy to neighbouring properties or gardens and aims to ensure adequate privacy of private amenity space. It seeks a minimum 18m separation distance between habitable rooms, but if this is not possible, applications will need to demonstrate how adequate privacy and outlook will be achieved through other design measures. It also indicates that all dwellings should benefit from daylight and sunlight levels that conform to the BRE standards. Further, the Mayor of London's Housing Supplementary Planning Guidance 2016 states that new dwellings should be provided with an adequate level of privacy in relation to neighbouring property. It also outlines that new homes should have direct sunlight to at least one habitable room for part of the day, with living areas and kitchen dining spaces preferably receiving direct sunlight.
13. The proposed building would have upper level bedroom windows facing rear habitable room windows at Temair House around 11m away. The appellant suggests that some of the proposed bedroom windows could be obscure glazed which would avoid mutual overlooking between these rooms and the rear rooms in Temair House. However, due to the size of the proposed clear windows in bedroom 3 of units 1.1 and 2.1 and the relatively short distance between these and the rear openings at Temair House, there would be insufficient privacy for future occupiers of these bedrooms and harmful overlooking of existing residents at Temair House when using their rear rooms.
14. There would be upper floor bedroom openings around 4.47m from the boundary with 2 Old Pearson Street (No 2), with upper floor balconies around 6.62m from it. These occupiers did not object to the proposal and there is no dispute that the scheme would not cause harmful overlooking of the house. Whilst the boundary trees provide some screening, these could be removed, become damaged or diseased and may only provide screening in spring and summer months. As such, given the small separation distances between the proposed upper-level balconies and openings and the rear garden at No 2, the proposal would cause an unacceptable loss of privacy to the occupiers of this adjacent property when using their outdoor space. The neighbouring rear garden is already somewhat overlooked from rooms in Temair House but given the external nature of balconies and the location of the proposed building much closer to No 2, there would be harmful overlooking of the adjacent rear space by future occupiers of the new flats.
15. Chaucer House has high level secondary windows serving living/kitchen areas facing the flank wall of the existing building on the appeal site. The proposed building would be only around 1m away from the existing structure, also with secondary living room openings to the side. As the primary openings to the existing and proposed living rooms face away from the neighbouring buildings, the appeal scheme would not result in an undue sense of enclosure for occupants of these rooms.
16. The proposed high level windows would be staggered away from the neighbouring ones, but the openings would be very close to one another. There is limited information on the relative heights of the existing windows in Chaucer House compared to the proposed ones so I cannot be certain that there would not be unacceptable mutual overlooking of the existing and proposed upper floor living

spaces. Nevertheless, the appellant suggests that the first and second floor flank windows could be obscure glazed which would overcome the issue of overlooking between the existing and proposed first and second floor living areas.

17. There is a balcony serving the first floor westmost flat at Chaucer House close to the appeal site which partly overlooks the outdoor amenity space for the ground floor unit beneath. Both bedrooms for these neighbouring flats have openings facing the site, though the ground floor windows look towards the high common boundary wall. The proposal would include sizeable rear balconies close to Chaucer House. Due to the south facing aspect and proximity of the proposed balcony on unit 1.1 to the ground and first floor outdoor amenity spaces and first floor bedrooms of the westmost flats at Chaucer House, the proposal would result in harmful overlooking of the occupiers of these neighbouring dwellings and not provide sufficient privacy for future residents when using the new balcony. Further, as a bedroom window on proposed unit 1.1 would be less than 9m from a wide, high level bedroom opening in the first floor westmost flat at Chaucer House, there would also be harmful overlooking of existing occupants when using this room.
18. The appellant's Daylight and Sunlight Report (DSR) assesses the proposal against the BRE's 'Site layout planning for daylight and sunlight: a guide to good practice' (BRE guidelines). This includes advice on the daylight factor in the habitable rooms in dwellings. If the vertical sky component (VSC) is less than 0.8 times its former value, the diffuse daylighting of the existing building may be adversely affected. Further, if there would be more than a 20% loss of daylight distribution (DD), the reduction would be noticeable to the building's occupants.
19. Bedroom 2 of the ground and first floor westmost flats at Chaucer House have a north facing aspect, each with a single opening facing towards the appeal site. The proposed four storey building would lie directly beyond these rooms. The DSR indicates that there would be a significant reduction in VSC and DD to bedroom 2 of the first floor flat, substantially below the BRE guidelines. Bedroom 2 of the ground floor flat would be less affected but there would still be a noticeable loss of DD to the occupants of this room. Existing light to these rooms is affected by the design of Chaucer House and the proximity of openings to the boundary wall. However, due to the scale and position of the proposed building, the appeal scheme would cause an unacceptable loss of daylight to these rooms. Further, the height and proximity of the new structure relative to the existing first floor bedroom 2 would lead to a harmful loss of outlook from this room.
20. The DSR indicates that all the bedrooms in the proposed flats would meet the BRE guidelines for internal daylight. Each flat would contain a combined living, kitchen and dining space (living space). The living spaces for the two first floor flats would have narrow high level windows close to Chaucer House and glazed openings onto their balconies. The DSR shows that these rooms would fail to meet the BRE guidelines for internal daylight if the 200 lux target is applied, with only 28-36% of these spaces achieving this amount of internal daylight.
21. The BRE guidelines allow some flexibility where a room has a shared use, allowing the 150 lux target for a living room to be applied if kitchens are not treated as habitable spaces. There is reference to an appeal decision in the London Borough of Havering where an Inspector accepted a 150 lux level for living,

kitchen and dining combined spaces¹. However, the DSR finds that the living spaces for the proposed first floor units would only marginally exceed the 150 lux target. In any event, the proposed kitchens form an integral part of the habitable living space so the 200 lux target is more appropriate in this case and thus there would be insufficient daylight to these rooms.

22. The BRE guidelines state that a dwelling will appear reasonably sunlit if at least one main window faces within 90 degrees of due south and a habitable room, preferably a main living room, can receive at least 1.5 sunlight hours on 21 March. The DSR finds that at least one habitable room within each proposed apartment would achieve the minimum criterion. Nevertheless, due to their orientation, proximity to Chaucer House and presence of inset balconies, the living spaces in the front facing units 1.2, 2.2 and 3.2 would fail to meet the criterion for sunlight exposure. As these rooms are where residents would spend most of their waking hours, the scheme would not provide an acceptable living environment for future occupants of these flats. This would be particularly stark for the occupiers of unit 1.2 where the living space would have poor levels of both daylight and sunlight.
23. Consequently, I conclude that the proposed development would have a harmful effect on the light, privacy and outlook of neighbouring occupants. Whilst there would be acceptable outlook for future occupiers, there would be unacceptable levels of privacy and light in the proposed flats. This would be contrary to Policy D6 of the London Plan 2021 and Policies H5 and DH(b) of the LP. Together, these set out the design standards for housing development and seek to avoid an unacceptable loss of amenity to adjacent occupiers in terms of daylight, sunlight, privacy and sense of enclosure, amongst other things.

Other Matters

24. The Framework seeks to significantly boost housing supply and highlights the important contribution small and medium sized sites can make, whilst supporting development which makes efficient use of land. It states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes which should be approved unless substantial harm would be caused.
25. The Council's position is that it can only currently demonstrate a 2.46 year supply of deliverable housing sites against the required five years. Further, the 2023 Housing Delivery Test results confirm delivery of 48% over the previous three years, significantly below the 75% referred to in the Framework. This triggers the circumstances in paragraph 11(d) of the Framework. However, the proposed scheme would be within an area at high risk of flooding and there has been a failure to demonstrate that it would be in a suitable location with regard to the sequential approach to the location of development set out in the Framework. This provides a strong reason for refusing the development proposed in accordance with paragraph 11(d)(i).
26. The appeal scheme would provide a flexible community space and more homes, making more efficient use of previously developed land in a location with good access to services and public transport. It would provide biodiversity net gain via the purchase of offsite habitat units. There would also be economic benefits during construction and once occupied when future residents would support local

¹ Appeal ref: APP/B5480/W/24/3339526

businesses. The Framework supports the provision of community facilities, promotes development in locations which are accessible by non-car transport modes, seeks net gains for biodiversity and supports economic growth.

27. Nonetheless, the proposal would have an unacceptable effect on the living conditions of neighbouring occupants and provide unacceptable living conditions for future occupiers. This would conflict with the Framework where it requires a high standard of amenity for existing and future users. Further, it has not been demonstrated that the proposed scheme would be in a suitable location, with reference to policies concerned with development in areas at risk of flooding which provides a strong reason for refusing the proposal.
28. The Council did not find harm or development plan conflict in relation to several other matters, including housing mix, living conditions for occupiers of 3 and 7 Randall Place, space standards, character and appearance, impacts on heritage assets, ecology, infrastructure, construction impacts, carbon reduction, refuse storage and parking. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the scheme.
29. The appellant has expressed general dissatisfaction with their interactions with the Council during the application process, particularly given the extent of pre-application engagement. Nevertheless, this is a matter between those parties, and it does not in this instance have any bearing on my determination of this appeal.

Conclusion

30. For the reasons given above, the proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

A Wright

INSPECTOR