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## Appeal Decisions

Hearing Held on 30 January 2018

Site visits made on 30 and 31 January 2018

**by Tim Wood BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 28 February 2018**

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**Appeal Ref: APP/C5690/W/17/3182926**

**Former Deptford Police Station, 114-116 Amersham Vale, London SE14 6LG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Moor Park Estates Ltd against the decision of the Council of the London Borough of Lewisham.
  - The application Ref DC/16/095031, dated 2 January 2016, was refused by notice dated 3 March 2017.
  - The development proposed is internal and external alterations to the original building and demolition of the existing rear outbuildings in association with conversion to residential use and construction of a new residential building to the rear to create a total of 22 self-contained residential units (3 x 3 bed, 12 x 2 bed and 7 x 1 bed flats) with associated outdoor amenity space, landscaping and cycle storage.
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**Appeal Ref: APP/C5690/Y/17/3182929**

**Former Deptford Police Station, 114-116 Amersham Vale, London SE14 6LG**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Moor Park Estates Ltd against the decision of the Council of the London Borough of Lewisham.
  - The application Ref DC/16/090532, dated 2 January 2016, was refused by notice dated 3 March 2017.
  - The works proposed are internal and external alterations to the original building and demolition of the existing rear outbuildings in association with conversion to residential use and construction of a new residential building to the rear to create a total of 22 self-contained residential units (3 x 3 bed, 12 x 2 bed and 7 x 1 bed flats) with associated outdoor amenity space, landscaping and cycle storage.
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### Decisions

1. The appeals are dismissed.

### Preliminary Matter

2. I undertook an accompanied site visit on 30 January and an unaccompanied visit to the immediate surroundings on 31 January 2018.

### Main Issues

3. The main issues in these appeals are:

- The effects of the proposal on the significance of the Listed Building;
- Whether residents of the basement flats would have a satisfactory level of light and outlook;
- Whether the development would be at an unacceptable risk of flooding;
- Whether the loss of the existing B1 use would have an unacceptable effect on the local economy.

## **Reasons**

### ***The effects of the proposal on the significance of the Listed Building***

4. The Deptford Police Station was constructed in 1911-12 and sits on the east side of Amersham Vale. It contains 3 storeys plus a basement and is of a broadly neo-classical style. It contains decorative brick courses and gauged brick details in the front elevation which presents a handsome and imposing face to the main road. The side and rear elevations are more simple and utilitarian. It was listed grade II in 1973. It became surplus to requirements by the Metropolitan Police and in 2009 permission was granted by the Council to convert it to a use for artists' studios.
5. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in deciding whether to grant listed building consent or planning permission for works or development to a listed building or which affects its setting, special regard should be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, the National Planning Policy Framework (the Framework) states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. Apart from the front main elevation, I consider that some architectural interest lies in the other elevations of the building which, although much more simple, have an imposing character and appearance, consistent with the overall character and original purpose of the building. In relation to the interior, I observed that alterations have involved the sub-division of spaces and rooms in order to facilitate the use for artists' studios. The Council consider that much of this is easily reversible and so does not have much effect on the building. I broadly agree with the Council as these alterations involve rudimentary, lightweight materials which appear to involve no structural alterations or interventions into the main part of the building. Whilst this has created a rather haphazard layout, I consider that the original plan form remains legible.
7. There have also been other alterations to the interior, including the tiling and fittings in the cells. There was some debate about what may be original and what parts may survive within the cells. Notwithstanding these largely unresolved detailed points, I consider that they retain a very strong impression of their original intended use due to their plan form, layout, size, high level windows and basic hard fittings. Other original features which survive include doors, screens, tiling, parquet flooring, windows, stairs and rails and more. Notwithstanding the alterations that I saw and that have been described to me, I consider that there is clear significance in the interior of the building as a result of its surviving original features and the still-legible layout, which reflects its original purpose. It also stands as a prime example of a purpose built police

- station by the notable architect, John Dixon-Butler, illustrating part of the areas social history in relation to law and order.
8. The rear part of the site consisted of the original drill yard and currently accommodates and number of containers which are somewhat unfortunate in their appearance. There was some discussion about their permanence although it was clear that permission had not been granted for them. In my view it is important to note that they are not fixed to the ground and would be easily removed and are unlikely to be a permanent feature. The appellant notes that the surroundings of the site are much altered since the construction of the building and does not acknowledge any importance in the parade ground in the submitted statements. My view is that it contributes positively to the character and understanding of the building and its original form and function. In this way, I consider that the open nature, and freedom from permanent structures means that the rear area makes a positive contribution to the significance of the building and is a reminder of its original intended use.
  9. The proposal intends that the existing building would be altered to accommodate the new use as flats. This would involve numerous alterations to the fabric and interior of the building, as well as the provision of external amenity terraces with associated screens. Although I do not intend to refer to each individual alteration, these include; the sub-division of rooms including important rooms on the ground floor at the front, blocking up of original doorways, provision of new doorways in original walls, enlarging window openings, loss of the layout of the cells, provision of a lift and more. In comparison to the sub-divisions that have recently been undertaken, I see the implemented alterations as lightweight and temporary. They have been undertaken with the intention that they are reversible and in my view they are unlikely to be anything other than temporary. In contrast, the appeal scheme would involve permanent alterations to the listed building which would be unlikely to be reversed, in my opinion.
  10. I consider that these numerous proposed alteration to the listed building would have a cumulative and unacceptable effect on the significance of the listed building. The alterations, losses and imposition of a new function, reflected in its new form, would much reduce the significance of the building. Whilst I acknowledge that parts of the upper floors were used to accommodate police officers and the proposal would return these parts to a residential use (as well as the Inspector's residence), the alterations when taken as a whole would have an unacceptable effect.
  11. The proposed new block within the rear part of the site would extend for the full depth of the site here and would be a short distance from the rear plot boundary on Napier Close. At the Hearing there was some discussion about whether the block should be seen as an extension to the listed building or as a separate building. It was variously described as sitting immediately adjacent, abutting, connected to or an extension to the original building. Although there would be no physical internal link between the accommodation in the new element and the original building, the submitted drawings indicate that the new element would be touching the original building, with no separation.
  12. Although the new block would be of less height than the original building, it would be marginally deeper and it would represent a substantial built form when seen at the rear of this site. Its flat roof and proportions result in a squat

appearance which is in contrast with the lofty form of the original building. Although the design has included deeper reveals to the windows, I can find little else to help the building complement the listed building, the storey heights do not align, the size and proportions of some of the windows do not match. Despite its lesser height, I consider that in certain viewpoints from within Napier Close it would compete with and detract from the form and design of the listed building. In addition, it would reduce the opportunity for openness within the rear of the site by some considerable degree. Thus, the opportunity to include the impression of the open drill yard would be considerably reduced. For these reasons, I consider that the proposed block represents an unacceptable addition to the listed building which would have a harmful effect on it and its setting.

13. Taking account of the advice in the Framework and evidence submitted, I consider that the level of harm is 'less than substantial' as set out in the Framework and I attach considerable importance and weight to this harm. As a result of these matters, the proposal is contrary to Policy 7.8 of The London Plan, Core Strategy Policy 16, Policies DM 31, DM 36 and DM38 of the DMLP.

### ***Light and outlook of basement flats***

14. Policy DM 32 of the Development Management Local Plan 2014 (DMLP) states that all new residential development will be expected to provide a satisfactory level of privacy, outlook and natural light. The appellants have submitted an assessment in relation daylight, which indicates that the development will be acceptable in this respect. However, the Council's concerns relate to the receipt of direct sunlight and also to the provision of an acceptable outlook to various rooms within the lower ground floor. From what I was able to see on site, it seems to me that the main living rooms within the lower ground floor would have the ability to receive some direct sunlight, subject to the precise detail of any landscaping provided.
15. In relation to outlook, the Council has identified specific rooms within these units that it considers would have an unacceptably restricted outlook. I agree that the rooms on the northern side of the building at the lower level, which would look out onto a very restricted sunken area would not be provided with an acceptable outlook. In my judgement, this is not compensated for by the fact that other rooms within those units would not be affected in the same way.
16. The Council also identified rooms in the lower level, which would look out onto the communal area. It was suggested that, in the absence of any restriction, these rooms would be overlooked from the communal area. Further, that if landscaping were put in place to restrict access to the adjacent areas, and so prevent overlooking, then the landscaping would restrict light or outlook. In the Council's view, the provision of obscure glazing or use of blinds/curtains to prevent overlooking would not be acceptable. I appreciate the Council's concerns in this respect and consider that it would be difficult to eliminate, or restrict to an acceptable degree, the potential for overlooking into these proposed flats. For the reasons suggested above, I consider that this could not be satisfactorily resolved by the agreement of a suitable landscaping scheme. As a consequence, the proposal would conflict with Policy DM32 and the Council's SPD.

### **Flood risk**

17. The appeal site sits partly within Flood Zone 2 and partly within Zone 3a indicating a Medium and High probability of flooding, respectively. The proposal seeks to introduce residential units, including self-contained basement units (more vulnerable and highly vulnerable uses) onto the site. The appellant has sought to indicate that the different parts of the site should be treated separately for this purpose and also that, as the NPPG states that a sequential test should not be required for changes of use, that the conversion of the original building should be separated out and a sequential test should not be required for that element. Following my consideration of the evidence, I find it appropriate to consider the site as a whole and to consider the scheme as a whole, rather than seeking to treat parts of it individually.
18. The NPPG indicates that planning authorities should assess flood risk in their area by means of a Strategic Flood Risk Assessment (SFRA), and I have been provided with Lewisham's SFRA. The NPPG also states that a Sequential Test will be required in certain circumstances so that development is steered towards areas of lowest risk of flooding. Table 3 of the relevant section of the NPG indicates that Highly Vulnerable uses are not appropriate in Zone 3a and require an Exception Test and that More Vulnerable uses require an Exception Test in Zone 3a and are acceptable in Zone 2. No Sequential Test has been carried out for the site.
19. Set against this, the appellant has included correspondence from the Environment Agency (EA), which indicates that, as a result of its latest modelling the site is unlikely to be inundated in a flood event. They do however point out that computer modelling cannot be 100% accurate in predicting an actual flood event and data and records are regularly reviewed. Whilst I recognise that the EA did not formally object to the proposal, their correspondence does not offer complete security and acknowledges the general need to steer development to low risk areas. Therefore, the requirements of Policy CS 10 and the advice and guidance in the Framework and NPPG have not been followed.

### **Loss of B1**

20. The existing building accommodates numerous artists' studios which are apparently fully or very nearly fully occupied. This use has been in operation for over 9 years and there is no evidence to suggest that it is not viable. Policy CS 5 (1) states that the Council will protect the scattering of employment locations throughout the borough outside designated industrial/employment locations. Policy DM 11 relates to 'other employment locations' and is divided into sections relating to 'sites in town centres, local hubs and other clusters of commercial and /or retail uses' and also 'sites in residential areas'. The Council considers that this site constitutes a cluster of commercial uses and is therefore afforded some protection by section 1 of the policy which seeks to retain employment uses. In my judgement, the existing building cannot be described as a cluster as it is an isolated example of such a use, within a mainly residential area, next to a police station.
21. The second part of DM 11 relating to 'sites in residential areas' and envisages changes of use to other business uses, which this is not, and mixed use schemes, which does not apply to this case. Therefore, having given careful

consideration to the requirements of the Council's policies, I find no conflict in this respect.

### **Other Matters**

22. The scheme would bring about some improvements to the listed building, including the restoration of various elements and the removal of the containers at the rear. In addition, the scheme would provide 22 new homes in an area where there is a pressing need for new homes, and contribute towards affordable housing (even though the Council is exceeding its housing targets). The appellant also points out that the construction of the flats would generate employments and the residents would spend locally, providing a boost to the local economy. I acknowledge the matters as benefits. Set against these matters is the harm that I envisage that would result on the listed building and its setting. I have also concluded that some of the proposed flats would not provide a suitable outlook and there is conflict with National policy in relation to flood risk. I am also aware that the proposal would involve the loss of the numerous commercial studios contained within it, which undoubtedly contribute to the local economy. Balancing these matters, I find that there is insufficient benefit to outweigh the 'less than substantial harm' that would arise.
23. I have taken account of the various opinions of individual officers of the Council which the appellant has referred to. However, the Council has provided evidence in support of its formal decision which has justified refusing the scheme. The Council has referred to the possibility of a mixed use scheme, with residential accommodation on the upper parts and commercial uses on the lower floors. I have not been presented with such a scheme and can make no comments in relation to this matter.

### **Conclusion**

24. For the reasons set out above, the appeals are dismissed.

*S T Wood*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

S Wallis  
R Ground QC  
J Edis  
P Swain  
D Cook  
L Kallar

### FOR THE LOCAL PLANNING AUTHORITY:

A Graham Paul  
K Hayler  
J Ecclestone

### INTERESTED PERSONS:

J Staples

### DOCUMENTS

1. S106 Undertaking
2. File of additional documents (Appellant)
3. Appeal decision APP/H0738/W/17/3181469
4. SFRA and update
5. Statement of Common Ground