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## Appeal Decision

Inquiry held on 9 – 12, 16 – 17 December 2025

Site visit made on 11 December 2025

by **H Porter BA(Hons), PGDip, MSc IHBC**

an Inspector appointed by the Secretary of State

Decision date: 26<sup>th</sup> February 2026

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**Appeal Ref: APP/E5330/W/25/3371383**

**Greenwich Quay, Clarence Road, London, SE8 3EY**

- 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 Tribe Greenwich Quay Limited and Redington Developments (GQ) Limited against the decision of Royal Borough of Greenwich.
  - The application Ref is 23/3847/F.
  - The development proposed is 'demolition of existing structures and construction of a building comprising student accommodation (Sui Generis), commercial floorspace (Use Class E), together with associated landscaping, public realm improvements, access works, cycle parking, refuse/recycling stores and associated works'.
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### Decision

1. The appeal is dismissed.

### Procedural and Preliminary Matters

2. The Inquiry sat in-person from 9 to 12 December 2025 and resumed virtually on 16 and 17 December. The contents of a final draft legal agreement, under Section 106 of the Town and Country Planning Act 1990 (s106 Agreement), were discussed during a virtual round-table session on day 5 of the Inquiry and submitted after the Inquiry closed, as agreed.
3. On 3 December 2025, the Royal Borough of Greenwich Draft Local Plan Regulation 18 Consultation Version (Reg 18 Plan)<sup>1</sup> was approved for public consultation. The potential implications of the emerging plan on the appeal proposal were discussed during the Inquiry.
4. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the draft Framework reforms) along with other changes to the planning system, accompanied by a written Ministerial Statement. The consultation closes on 10 March 2026. The parties both provided representations on the consultation and any implications for the appeal<sup>2</sup>.
5. It is set out within the Statement of Common Ground (SoCG)<sup>3</sup> that the proposed development would not cause harm to designated heritage assets, other than the Maritime Greenwich World Heritage Site, the Grade I listed National Maritime Museum, the Greenwich Park Conservation Area, and the West Greenwich Conservation Area<sup>4</sup>. Separate to the Council, the Appellant also identifies less

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<sup>1</sup> CD 12.9

<sup>2</sup> ID 24 & ID 25

<sup>3</sup> CD 2.4

<sup>4</sup> CD 2.4 p. 26 para 4.23

than substantial harm to Grade II\* Church of St Nicholas and Grade II listed Royal Naval College Pepys Building<sup>5</sup>. The statutory presumption under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires decision-makers to have special regard to the setting of a listed building, as well as the Framework policies relating to the significance of heritage assets. I therefore requested further submissions in respect of other designated heritage assets that may be affected by the proposal, including the Grade I Greenwich Park Registered Park and Garden, and have considered these in reaching my decision<sup>6</sup>.

## Main Issues

6. The main issues in this appeal are:

- The effect of the proposed development on the character and appearance of the local and wider townscape;
- The effect of the proposed development on the significance of relevant designated heritage assets, through development within their settings, and, whether any harm to their significance would be outweighed by the public benefits of the proposal.

## Reasons

### *Townscape*

7. Bound by Deptford Creek, Clarence Road and Creek Road, the appeal site is situated at the 'elbow' of the Creek, close to where the waterway bends and narrows beneath Creek Road. The site itself is currently occupied by three detached office buildings with some containing residential use. These buildings range from three to four storeys in height and the principle of their demolition, and the redevelopment of the site, is not in dispute.
8. The existing built form on the appeal site is readily distinguished from an evidently evolving and modernising wider urban townscape. Notably, the area to the south of the site, fronting the southern continuation of Deptford Creek on the opposite side of Creek Road, is undergoing significant change, including the development of several very tall buildings<sup>7</sup>. While Union Wharf is located outside an area identified as suitable for tall buildings<sup>8</sup>, and is not within an identified tall building 'zone', it is part of a cluster of tall buildings that has emerged to the south of Creek Road. Although the appeal site lies close to an area where tall buildings now predominate to the south of Creek Road and along its southern edge, the character and appearance of the site's context is more nuanced.
9. Much has been made of the contrast in scale between Union Wharf, the appeal site and surrounding development, and the 'cliff like' edge this is said to create. Relative to the scale of other development lining Creek Road, Union Wharf may be an outlier, however, I did not experience the relative absence of development beyond its vertical edge as being either oppressive or uncomfortable. Rather, Creek Road itself creates a natural definition and termination of Union Wharf while the narrower section of the Creek adds further emphasis to the emerging cluster of tall 'point' buildings further to the south.

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<sup>5</sup> List Entry Number: 1358943; List Entry Number: 1214382

<sup>6</sup> CD 7.10 & CD 7.11

<sup>7</sup> Including Union Wharf at up to 23 storeys; Creekside Village West/Adagio Point at eight to 17 storeys; 27 storeys at Ravensbourne Wharf; up to 30 storeys at Creekside Village East; and up to 19 storeys consented at Sun Wharf.

<sup>8</sup> Core Strategy 2014 Policy DH2 Figure 2 Tall Buildings Assessment, 2011

10. The upper portion of the Union Wharf is visible when looking from the east along Creek Road, yet the consistent building line and scale of development on the south side of the route largely screens its main mass. Notwithstanding the proximity to Union Wharf and the tall buildings cluster to the south, experienced in views along Creek Road from the east, the appeal site is in a more prominent, and arguably more sensitive, location by comparison.
11. Moving northwards away from the urban corridor of Creek Road, there is a noticeable shift in townscape character. To scale and massing of development transitions towards a lower-rise, looser-knit, late 20<sup>th</sup> century enclave to the northwest of appeal site. Other than the obvious proximity to water in the area north of Creek Road, I did not discern a 'maritime character' per se. That said, the overall townscape character around the north part of Deptford Creek is markedly more open and spacious. Following the Creek over the footbridge towards New Capital Quay, building footprints are relatively large and development rises to a maximum of 14 storeys at Admiral's Tower. Even with the increase in density and a more contemporary character compared to Millenium Quay, the generous setbacks and a staggering of heights and footprints continue the sense of breadth and openness around the Creek.
12. From viewpoints directly across the Creek from the north, including the public footbridge and riverside walkway, the appeal site is highly prominent. The scale of Union Wharf's 23-storeys is obvious from these vantages. However, the difference in storey height between and Union Wharf and lower-rise townscape north of Creek Road is lessened by its distance beyond that wide route, and by the lower 10-storey Creekside development that also forms part of the appeal site's townscape backdrop.
13. The appeal scheme proposes the development of two buildings of 13 and 17 storeys (Building A and B respectively), linked by a ground-floor podium and separated by a central splayed gap. With a roof terrace along the Clarence Road elevation, Building A would be partly of 12 storeys, feature a glazed lower-level set-back, with red brick upper storeys. Building B would be in a lighter buff brick, with a single-storey cut-away and roof garden in its northwest corner. Amongst other elements, the proposal would contain 590 rooms of purpose-built student accommodation (PBSA) together with ground-floor commercial floorspace. Within the proposed set-back from the river wall, the proposal would incorporate a publicly accessible riverside walk/landscaped amenity space, and extension to the Thames River Walk.
14. It is not in dispute that the location of the appeal site presents opportunities for a more efficient use, which would likely realise significant urban change. Along its Creek Road frontage, the proposal would improve the sense of activity and enhance the public realm. Although the steps close to Creek Road Bridge would limit access by wheelchair users from this side, overall, the proposal would improve permeability and the public's access around Deptford Creek.
15. I do not share the Council's concerns regarding the potential for a canyoning effect, which the Urban Design SPD<sup>9</sup> seeks to avoid. Such effects do not necessarily rely on long frontages or a continuous built edge enclosure and there would be brief moments when Building B aligns with Union Wharf on the opposite side of Creek Road. Although the height-to-width ratio relative to Creek Road would exceed the SPD guidance, the townscape and character of this route is one

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<sup>9</sup> CD 5.21

of a busy, urban thoroughfare, and this part of the route accommodates a cycle lane, bus lane, wide footways and two-way traffic. Together with its orientation, entrance setback, and gap above the podium, the scheme would, in my view, avoid a constricted sense of enclosure or harmful canyoning effect.

16. I also did not discern a 'fine urban grain' in the environs north of Creek Road, where the three-storey Hoy Inn is read as a vestige of a former townscape. There would be an obvious step down in height to the Hoy Inn from the proposed west elevation of Building A. However, even though the redevelopment of the nearby petrol filling station to around ten storeys is not inevitable, Building A would be framed by a contemporary urban context including the tall, wide frontage of the Creekside development. Together with its alignment with Clarence Road, ground floor setback, public realm and roof terrace, I do not consider that the scale and massing of Building A's west elevation would be harmfully out of place.
17. Within the SoCG there is agreement that the proposal would be of high-quality architecture<sup>10</sup>. I recognise there would be a refinement in the articulation of the elevations, shadow gap, layering within the vertical plan, chamfering of the edges, and overall material palette. However, the subtleties within the proposal's architectural expression and elevational treatment, including the lower roof terraces, would diminish with distance and not successfully alleviate the impact of its scale and massing from certain vantages.
18. The proposed east elevation would be relatively slender and feature differentiation in the top three storeys. However, this would not assist in breaking up its vertical mass, which would rise, sheer and unbroken, to 17 storeys on the axis of Creek Road. While Building B would be lower than Union Wharf, the separation from its 23-storey edge would cause the proposal to appear unrelated to the tall buildings in the cluster south of Creek Road. Notwithstanding that the proposal includes the stepped route to the Creekside and stretch of public realm in front of its proposed east elevation, I do not see anything in the design or architecture of Building B that would elevate it to a 'marker building' for Deptford or the Creekside. Seen from the east, Building B would neither form a natural continuation of the tall buildings cluster to the south, nor would it read as a distinctive local 'landmark' in its own right. Rather, the scale and massing of Building B would appear uncomfortably out of place, to the detriment of views from the east along Creek Road, and the site's wider townscape context.
19. Most of the proposed north elevation would readily appear in views to the site from across the wide part of the Creek, including from the Greenwich Reach Swing Bridge and the footway and service route that runs south of New Capital Quay. Building A would be a similar height to Admiral's Tower. The differences between Building A and B would be appreciable, emphasised by the gap between them, differing brick tones and proportions. The proposed set-back from the Creek to the ground floor would also be comparable to other tall-building developments further south.
20. However, the proposed cantilevered overhang of the upper storeys and their scale in relation to the glazed lower level, would undermine the sense of lightness the ground floor is intended to achieve. Even with upper storey set downs and shift in proportions to define the crown, the scheme would rise almost sheer and unrelenting close to the Creek's edge, and the proposed north elevation would read as uncomfortably heavy and overbearing. Although Union Wharf would also

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<sup>10</sup> CD 2.4 para 6.8

be partly obscured by the proposal, it would not succeed in successfully mediating or balancing the overall townscape composition. Instead, the bulk and mass of the proposed north elevation would be dominating, and starkly at odds with the more open and spacious character of this part of Deptford Creek.

21. The scheme before me represents the culmination of successive design revisions, including changes to height, and the gap between Buildings A and B. It has also been supported by a wealth of high-quality visual materials and analysis of the scheme's impacts from various vantages. From a number of locations, the proposal would integrate successfully and not interfere with strategic views. However, and notwithstanding the positive attributes of its architectural aesthetic, detailing and materiality, the proposal would still cause harm to the Deptford Creek and east Creek Road townscape context and dominate local views. While I may not share all of the Council's concerns, overall, the scheme would fail to achieve a well-designed place in the round. I therefore consider that the scale and massing of the proposed development would have a harmful effect on the character and appearance of the local and wider townscape.
22. Conflict arises with Policy DH1 and DH2 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies, July 2014 (the CS), which require developments be of high quality and provide a positive relationship between the proposed and existing urban context; and for tall buildings to be within areas identified as appropriate. The proposals would also fail to accord with Policies D4, D3 and D9 of London Plan: The Spatial Development Strategy for Greater London, March 2021 (the LP) insofar as they require development that, amongst other things, is of the most appropriate form that enhances local context; and for tall buildings to make a positive contribution to the local townscape and character of the area. The proposal would also fail to align with the guidance within the Council's Urban Design SPD, which seeks to ensure tall buildings respond and integrate well with the existing townscape and character.
23. For the same reasons, the proposals would not be in accordance with the Framework insofar as it seeks to ensure that developments are sympathetic to local character, including the surrounding built environment. Core Policy DH2 of the CS dates to 2014 and the evidence base within the Tall Buildings Assessment to 2011<sup>11</sup>. I have therefore afforded very little weight to the conflict with this policy. This notwithstanding, the conflict with the development plan and Framework policies that seek to achieve well designed places carries significant weight against the proposed development.

### *The Significance of Heritage Assets*

#### *National Maritime Museum (NMM)*

24. The Grade I listed NMM is composed of a series of discrete yet interconnected components that radiate from the Queen's House. As an entity, the listed building reflects an evolving architectural composition and changing ownership and uses over some four centuries, embodying fabric, detailing and historic associations that together denote a heritage asset of the highest significance. Within this layered complex, some elements inevitably contain higher degrees of significance, such as the Queen's House, which, through its associations with Inigo Jones and the development of Palladian architecture is the outstanding example.

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<sup>11</sup> CD 5.16 p.5

25. The significance of the NMM is also informed by its architectural and naval history. It sits within a built enclave at the lower levels of the Park, where there is a clear connection with the complex of former palace or naval buildings. The trees, lower lawns and landscaping around the NMM and Naval College buildings are part of its immediate setting.
26. First added to the statutory list in 1973, the Grade I listed building encompasses subsequent additions, including colonnades and side wings of the symmetrical ensemble; and the later south-west wing, now known as the Caird Library. Built in the late 19<sup>th</sup>, the interior of the Caird Library was reconfigured in the 1930s and altered again more recently<sup>12</sup>. Although it may embody a lesser degree of historic, associative or internal architectural interest than other elements, the Caird Library wing is part of the Grade I listed building as an entity and covered by the singular statutory protection.
27. Although not part of the more formal arrangement of buildings within the NMM complex, the Caird Library still has significance. Defined by a consistent height, regular first floor opening and an unbroken horizontal slate roofline, this part of the NMM contributes to the legibility of the overall composition and way the building has evolved and adapted over time. Moreover, the low-rise character of the surrounding Greenwich townscape enables views above the uninterrupted roofline of the NMM, which reinforce the sense of a unified entity within a well-defined enclave.
28. The proposal would appear behind the uninterrupted roofline of the Caird Library, influencing a gradual creep of tall building development within the middle-distance setting of the NMM. Although the scheme would disappear behind the roof of Neptune Hall and not be in conjunction with the silhouette of the Queen's House, there would still be an interruption to the legibility of the overall composition and proportions of the NMM as an entity. Moreover, something of the low-rise character of the surround Greenwich townscape would be eroded, undermining the sense of it being within a well-defined enclave. The setting of the Grade I listed building would therefore not be preserved and there would be some harm to its significance of this highly graded heritage asset.

*Greenwich Park Conservation Area (GPCA) and Registered Park & Garden (RPG)*

29. The GPCA encompasses one of London's most historic designed landscapes and its oldest park, and is of exceptional historic, architectural and topographic importance. The RPG is a designated heritage asset in its own right, even though many aspects that contribute to its significance overlap the GPCA. The boundaries of both assets incorporate the 17<sup>th</sup> century formal layout of Greenwich Park, the axial relationship of the Royal Naval College and Queen's House, and the dramatic topography that rises southwards from the Thames.
30. The significance of both the GPCA and the RPG are derived from the relationship between Park, the listed buildings and landmarks, historic associations, archaeology, land uses, landscaping and topography. Some views are strategic and protected, others are more incidental or kinetic. Inevitably, historic vistas, such as that captured in J M W Turner's painting, have evolved over time with the development of London and planting within the Park. As noted within the Greenwich

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<sup>12</sup> CD 12.4

Park Conservation Area Appraisal and Management Plan, lower parterres of Greenwich Park are flatter formal lawns that provide the setting the NMM<sup>13</sup>.

31. From certain vantages within the GPCA and RPG, notably the lower lawns of the near Lover's Walk, and to a lesser degree from One Tree Hill, the extruded form of Union Wharf is very apparent. Although experienced only momentarily, the vertical intrusion into the middle-distance of the GPCA and RPG has weakened the sense of openness and spaciousness of the Park's setting. Further to the northwest of Union Wharf, however, there is a relative absence of tall building development within the middle distance. The relative openness above the existing townscape, enables the appreciation of a layered sequence to unfold from the Park's closer setting and discrete enclave within its lower levels, through the historic Greenwich town to the wider London skyline beyond. The middle-distance setting of the GPCA and RPG, which includes the appeal site, is therefore of value to their significance as designated heritage assets.
32. From the GPCA and RPG, the proposal's intrusion above the NMM would be most obvious in views out from the lower lawns around Lover's Walk. It would also be perceptible from One Tree Hill although this prospect which has only recently visible since the felling of trees and reaches over a wider London context. These are not strategic views or 'important views' from which the proposal would only be experienced kinetically, not in conjunction with the Queen's House or 'set-piece' views, and with Union Wharf and other tall buildings also perceptible on the middle-distance fringes. Even so, instead of resolving the 'sheer edge' of Union Wharf, the appeal proposal would read as an unrelated, albeit lower, outlier and a further block like intrusion in the middle-distance setting of the GPCA and RPG. The effect would be to weaken the sense of a protected built enclave at the bottom of the Park and the degree of spaciousness the wider setting provides. Therefore, through development affecting their settings, the proposal would cause harm to the significance of the RPG, and to the GPCA as a whole.

*West Greenwich Conservation Area (WGCA)*

33. The WGCA extends westwards from Greenwich Park and encapsulates the predominantly Georgian and Victorian townscape that forms the historic core of Greenwich town centre. It contains numerous listed buildings, including the Grade I listed Church of Alfege and the Cutty Sark. The significance of the WGCA as a whole is shaped by its historic development in response to the River Thames and the former Royal Palace and Park enclave, its topography, surviving historic street pattern, landmark buildings and views.
34. The tight urban grain, consistent building line and scale of traditional townscape lining the south side of Creek Road is a characteristic of the WGCA built backcloth. When experienced from the WGCA, the cluster of tall buildings to the south of Creek Road, including Union Wharf, is largely obscured by the existing traditional townscape. At present, the orientation of this route and the pattern of development along it creates a clear channelled view toward the appeal site and the Lucas Apartments building in the mid- to long- distance. Although the appeal site and development within this part of the WGCA's wider setting are of limited merit, the channelled view nonetheless enables the consistent building line and traditional townscape character of the WGCA to remain legible, reinforcing the significance of the WGCA as a whole.

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<sup>13</sup> CD 5.22 p. 53

35. Notwithstanding Union Wharf is located nearby, by contrast, the appeal scheme would extrude in the middle distance and dominate the channelled view along the direct axis of Creek Road from Greenwich that extends out of the WGCA. Rather, than offering an elegant and slender focus or positive 'marker building' in views out from the WGCA, Building B would appear unrelenting and slab-like and become the dominant element in this channelled view. As a result, the transitional experience from the tighter, traditional townscape to the more contemporary, looser-knit and diverse context within its setting would be interrupted, which would cause some harm to the significance of the WGCA as a whole.

*Samuel Pepys Building*

36. The Grade II listed Royal Naval College Pepys Building forms part of the historic ensemble associated with the former Royal Naval College. Its significance derives partly from its composition, materials and former uses, including as a brewhouse, and former mews. Significance is also informed by the close interrelationship with buildings within the historic enclave contained just outside of Greenwich town. The setting of this listed building partly comprises the buildings and spaces that are within the Royal Naval College Complex, as wider townscape beyond it to the west.
37. The appeal scheme would also reach above the roofline of the Grade II listed mews part of the Samuel Pepys Building. Although Union Wharf already punctuates this backdrop to the mews, further tall-building development would, albeit in a small way, diminish the perception of the building as being part of an historic group legibility of the coherent low-rise group. The competition between the unassuming mews and visually assertive backdrop would fail to preserve its setting and cause some harm to its significance.

*Maritime Greenwich World Heritage Site (WHS)*

38. Maritime Greenwich was inscribed on the World Heritage List in 1997 for its Outstanding Universal Value (OUV). It encompasses the historic centre of the town with the architectural masterpieces and designed landscape of the Old Royal Naval College, NMM and extended outside the town centre to include the Royal Park; its Buffer Zone includes the conservation areas to the west and east of the WHS. The WHS Management Plan<sup>14</sup> states that all attributes of OUV are included within its boundaries and that tall buildings, in the setting, may have the potential to have an adverse impact on its visual integrity.
39. The significance of the WHS is informed by integrity and coherence derived from its historical development and associations with shipbuilding, seafaring, the navy, royalty, measurement of time and distance, brilliant architectural expressions within a historic landscape. This, together with its position and topography, create a unique combination of factors reflected in the attributes of OUV. Among these are the architectural ensemble of the Queen's House, the Royal Observatory and the Royal Park, which evolved over centuries, with individual assets of great importance combining to form a harmonious whole. Assets within the WHS are also considered to support the attributes of OUV, including individual buildings such as the NMM, identified as a 'major attribute of OUV'<sup>15</sup>.
40. The appeal site lies some 200m west of WHS Buffer Zone and does not fall within view from One Tree Hill eastwards to the Greenwich Peninsula. However, it sits

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<sup>14</sup> CD 5.25

<sup>15</sup> CD5.25 para 2.5.7

within the wider setting of the WHS, in a transitional area just beyond the Greenwich townscape, and is appreciable in certain local views around the WHS. The vertical mass of the 23-storey Union Wharf tower is readily perceived in certain views out from the WHS and has, to some extent, disrupted the visual integrity of its wider setting. That said, further to the north of Union Wharf, only trees and chimneys punctuate the closer to middle distance above the horizontal roofline of the NMM, which enabling appreciation of the containment of the WHS by Greenwich town.

41. I do not consider the appeal building would consolidate the tall building's cluster or soften the visual imposition that Union Wharf has already had on the wider townscape margins of the WHS. The appeal proposal would be lower than Union Wharf and of a different tone, but it would nonetheless draw the eye towards further tall building mass within the middle-distance setting of the WHS and various designated heritage assets it encompasses. Even if views of the proposal would be kinetic and limited, it would compound further the effect of tall buildings in the WHS setting, compromising the ability to appreciate attributes that collectively give the WHS its OUV.
42. Historic England's advice letter raises heritage concerns due to the low level of harm caused to the Grade I NMM, not the OUV of the WHS<sup>16</sup>. Be that as it may, in my view, harm to any the unique combination of factors reflected in the attributes of OUV, cannot be disaggregated from some residual, albeit low level, harm to the WHS. Although the WHS Executive removed its objections, it still found that a low level of harm remains, even if any potential adverse impact on the OUV would be minimal<sup>17</sup>. I concur. It follows that the OUV of the WHS would not be conserved, promoted or enhanced by the proposal and there would be an adverse impact on its significance.

*Other heritage asset considerations*

43. The Appellant identifies that the proposal would lead to a low level of less than substantial harm to the Grade II\* listed Church of St Nicholas, the significance of which is rooted within its architectural quality, long associations with Deptford's maritime history and role as a local landmark. The church's immediate setting is within churchyard, the intimacy of which, surrounded by tall trees, contributes to its significance. Within the wider setting, modern, high-rise development is visible. The proposal will, in my view, be a recessive and unassuming feature within this existing built backcloth and although I recognise that the proposal would be visible through the yard, I consider that the setting would be preserved and the significance unharmed.
44. The Grade I listed Church of St Alfege derives its significance from its medieval origins, historic associations and early 18<sup>th</sup> century design by Nicholas Hawksmoor, and its role as the principal parish church of Greenwich. Its distinctive west tower is a key element of its architectural interest and landmark quality, appreciable from numerous vantages, including within the WGCA and from the WHS and GPCA. There is a clear line of site to the Church's tower gained from just off Clarence Road within the appeal site, which would be interrupted by the appeal proposal. However, the scheme would also introduce a new publicly accessible route from Creek Road from which the Church's tower would continue to be appreciated. Therefore, while the appeal proposal would be within the wider

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<sup>16</sup> CD 11.2

<sup>17</sup> CD 11.6

setting of the Church, this would be preserved and its significance would not be harmed.

45. The Grade I listed Cutty Sark, a 19<sup>th</sup> century tea clipper, is permanently docked at Cutty Sark Gardens. Its significance is embodied in its historic use, engineering and rarity that collectively tell of its place in maritime history. The rigging and masts, the upper parts of which are just visible from Creek Road, contribute to its landmark value. The appeal proposal would be visible in the backcloth behind the ship and would briefly interrupt visibility of the masts along Creek Road. However, the urban backdrop to the ship does not contribute to its significance and associations with the water. The proposal would also partly obscure glimpsed views to the ship's masts momentarily along Creek Road. Yet, the masts would reappear further along Creek Road and the ship's landmark value would be unharmed. Therefore, the setting of the Cutty Sark would be preserved.
46. The Grade I former Royal Naval Hospital is part of the Old Royal Naval College complex. Its significance is derived, in part, from its architectural expression and association with Wren and Hawksmoor's master planned ensemble, as well as with associations with Britain's maritime and scientific history. In views towards Greenwich along Creek Road, the upper parts of the 'Hawksmoor domes' are visible, glimpsed just above the surrounding townscape. The appeal scheme would partly obscure these, although they would reappear further east. I therefore consider that the setting of the Royal Naval Hospital as an entity would be preserved.

### *Heritage Conclusions*

47. My heritage assessment has not followed the 'magnitude of impact' table from BS 7913 that the Council included in its evidence<sup>18</sup> and there are some listed designated heritage assets that would be unharmed by the proposals. The appeal site is beyond the designated boundaries of a conservation area and, accordingly, Section 72(1) of the Act does not apply in this case.
48. I acknowledge that tall building proposals that take account of the historic environment, and which are designed to avoid or effectively mitigate harm, can constitute sustainable development<sup>19</sup>. I am also aware that the visibility of a building, or development change within the wider setting of heritage assets, does not necessarily constitute harm to their significance. However, in this case, Union Wharf already serves as a marker of how a tall building within the middle-distance setting of various designated heritage assets can have on the ability to appreciate those assets and their integrity. It is put that the momentary visibility of the appeal scheme would help alleviate the abrupt termination of Union Wharf, providing a stepping down of massing to the north. However, while the appeal proposal would be appreciably lower in height compared to Union Wharf, I cannot agree that it would not achieve a better relationship with the existing built context or betterment of the historic environment around Greenwich.
49. Overall, I find that the proposed development would, through development within their settings, cause harm to the significance of the Grade I listed NMM, the GPCA and WGCA, the Grade I listed RPG, the Grade II listed Samuel Pepys' Building, and the WHS. The failure to preserve the setting of listed buildings runs counter to the statutory provisions of s66(1) of the Act and is of considerable importance and

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<sup>18</sup> CD 7.5 para 5.1.3

<sup>19</sup> CD 5.30 para 2.2 p.3

weight. There would be conflict with Policies DH1, DH3, DH4, DH(h) and DH(i) of the CS insofar as they: seek to protect and enhance the heritage assets and settings, including the WHS; require development protects and enhances the OUV of the WHS; take account of architectural, historical features and their settings; respect the setting of conservation areas; and, for proposals which would detract from the setting and proportions of a listed building be resisted. There would also be conflict with Policies HC1 and HC2 of the LP, as well as parts of Policy D9 that require proposals for tall buildings take account of, and avoid harm, to the significance of London's heritage assets and their settings; and preserve, and not harm, the OUV of the WHS, and the ability to appreciate it. The proposal would also fail to align with the guidance within the Council's Urban Design SPD insofar as its objectives seek to preserve the OUV of the WHS and the significance of heritage assets.

50. For the purposes of the Framework and taking into consideration the scale, nature and location of the proposal, I consider that the degree of harm to significance of relevant heritage assets would, in each instance, be less than substantial and fall towards the lower end of any 'spectrum' of less than substantial harm. Paragraph 212 of the Framework is clear 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The identified harm to the relevant designated heritage assets therefore carries considerable collective negative weight against the proposal.
51. Paragraph 13 of the Framework is clear that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. This approach is also found in LP Policy D9 d), which indicates that proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored.
52. In respect of alternative proposals, the Appellant has shown successive design iterations and responses to commentary from the Design Review Panel<sup>20</sup>, and other consultees. It has been put that the maximum height was identified early through view assessments and to ensure there would be no impact on the silhouette of the Queen's House. The Appellant also asserts that the proposal represents the minimum quantum of development for a deliverable scheme. I recognise the fast-track process negates the requirement to demonstrate scheme viability where the policy requirements for affordable housing are met, and that there has been a reduction in height and unit numbers. However, since the outset of pre-application discussions, explorations of the site have seen development on the site ranging from 16 to 29 storeys<sup>21</sup>. The scheme before me reduces the scale of development by three storeys compared to that originally submitted to the Council for assessment.
53. Even at the point of appeal, the Appellant conceded some harm to the Grade I listed NMM, and other, designated heritage assets. I turn to the proposition of an 'internal heritage balance' subsequently. However, even if harm to a designated heritage asset could be mitigated by the form and quality of the proposed building, this does not, to my mind, reflect a meaningful exploration of alternative options to

<sup>20</sup> CD 10.4 and CD 10.5

<sup>21</sup> Figure 10b P.11 CD 7.1

avoid or minimise conflict with any aspect of the proposal and the conservation of heritage assets. Instead, the design evolution appears to reflect incremental height reductions until objections subsided but not to the point where there would be no interference or harm to the setting of the NMM. This casts doubt over whether there is clear and convincing justification for the harm to the significance of a designated heritage asset, even if harms or residual impacts could be outweighed or balanced out.

54. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework requires this harm should be weighed against the public benefits of the proposal. It is agreed that securing the asset(s) optimum viable use is not relevant to this appeal.
55. The appeal scheme would realise many public benefits including associated with provision of 590 rooms (598 bedspaces) of PBSA, including 207 affordable rooms; the regeneration of an underused, low-density site in an area identified for intensification with excellent public transport and cycle links. There would be economic benefits associated with the provision of 229m<sup>2</sup> of commercial employment floorspace, creation of jobs, increased spending locally and associated with the construction. There would also be public benefits associated with increased permeability and public realm enhancements, river wall improvements, and Biodiversity Net Gain.
56. I do not recognise the positive redeeming or mitigating effect of the appeal scheme on Union Wharf tower. In some instances, the settings of heritage assets would be preserved but not enhanced. I do not consider that the form or quality of the proposal would result in a net effect of no harm to the significance of heritage assets, including those of the highest significance. There are therefore no positive heritage benefits from the proposal to be weighed against the heritage harms identified.
57. The collective very positive weight of public benefits associated with the appeal scheme carry significant weight in its favour. However, heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. On balance, I do not consider that the public benefits of the proposal would outweigh the harm of the designated heritage assets identified. The proposal therefore fails to satisfy the policies of the Framework that seek to protect designated heritage assets. There would also be conflict with LP Policy D9 insofar as it requires that there are clear public benefits that outweigh heritage harm.

#### *Other planning considerations*

58. The Draft Framework reforms suggest a possible future direction of travel for Government's planning policy. This includes a presumption in favour of development within settlements, the removal of reference to 'areas of particular importance' and 'strong reasons for refusal' and the potential inclusion of PBSA as part of specialist housing need. However, these draft reforms currently remain uncertain and so I have attributed them very little weight in the overall balance.
59. The evidence base for the assessments for the appeal site, capacity for a tall building on it, and areas of search within the Reg 18 Plan site allocation, is unclear. Albeit the Reg 18 Plan remains at a very early stage, and so currently carries very little weight, it does, to my mind, indicate a direction of travel for planning in the Borough and, at the time the Plan was drafted, the Council's

consideration of the appeal site's potential for a building of around 14 storeys<sup>22</sup>. In any event, my decision relates to the specific townscape and heritage impacts of the appeal proposal that is before me, not on the policy principle of tall building locations per se.

60. I have given careful consideration to concerns raised regarding fire safety, emergency and service vehicle access, pressure on local services, river wall repairs, the mix and balance of communities, and potential effects on the living conditions of nearby occupiers. I am satisfied that the proposal would not result in a saturation of student accommodation, and that imposition of suitably worded conditions would ensure the development would meet the requirements of professional advice and expertise including the London Fire Brigade, Health and Safety Executive, Environment Agency and the Highways Authority. There would be no harm in respect of neighbour's living conditions, fire risk, flood risk or drainage, the local microclimate, highway safety, and the proposal would satisfy policies that seek to minimise carbon consumption, make provision for cycle and refuse storage, security and accessibility. However, these are neutral considerations that weigh neither for nor against the proposal in the overall planning balance.
61. I understand that the decision to refuse planning permission was made contrary to the officer recommendation that planning permission should be granted; that the GLA and others did not object, while the concerns and objections of some consultees were not sustained through the life of the application. I also note the Appellant's disappointment that, in spite of the numerous pre-application discussions, design revisions, efforts of the very experienced team, and the bringing together of 14 different interests in the site, that the scheme has reached this appeal. While clarity has been sought regarding the involvement of the Planning Manager, Design Manager and other senior planning officers, in the application and appeal scheme as well as site allocations, this does not alter the fact that the Committee's decision was ultimately taken through the proper democratic process. No members of that Committee attended the Inquiry, and the precise nature and extent of their associated site visit, including any visual materials referred to, remains unclear. I have had the benefit of experiencing the site and its surroundings on the ground, supported by comprehensive visual materials produced using both 24mm and 50mm lenses. The uncertainty over the Council Officer and Member involvement carries no weight for or against the proposal.

### *Planning Balance*

62. The SoCG includes an assessment of the various public benefits of the proposal and the weight to be ascribed to them<sup>23</sup>. An overall planning balance is not a mathematical equation. I have already stated the public benefits of the proposal, which would be numerous and include the regeneration of an underused, low-density site in an area identified for intensification and sustainable location, meaningful contribution to the supply of housing and 35% affordable PBSA rooms, against a substantial shortfall. The scheme would help meet the existing and growing demand for PBSA both within the Borough and more widely, enabling future student occupiers to have access to high-quality, safe and secure accommodation. The commercial floorspace and around 44 full-time equivalent jobs would help create conditions whereby businesses could invest, expand and

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<sup>22</sup> Which could be equivalent to 15-16 PBSA storeys

<sup>23</sup> CD 2.4 p. 32

adapt. There would be public realm, river wall, net gain and landscaping improvements. The S106 Agreement secures a number of obligations and financial contributions, and I have afforded full weight to these in reaching my decision. This includes the securing of BREEAM 'excellent', carbon offsetting, site management, urban greening, and securing PBSA and the affordable housing provision. Collectively, these would be significant benefits that carry significant positive weight in the scheme's favour.

63. On the other hand, I have found that the proposal would have a harmful effect on the character and appearance of the local and wider townscape and would cause harm to the significance of designated heritage assets, including assets of the highest significance, which would not be outweighed by public benefits. To my mind, high quality architecture is not distinct from good design. Even where there would be components of architectural quality in the proposal, I do not count as a benefit of a scheme that fails to achieve well-designed places. My findings in relation to the two main issues carries considerable weight against the proposal and indicates that the environmental objective of sustainable development, set out under paragraph 8 of the Framework, would not be achieved.
64. It is common ground that the Council cannot demonstrate a five-year housing land supply<sup>24</sup>, and the 'tilted balance' is engaged. In these circumstances, paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (11(d)(i)) policies in the Framework that protect assets of particular importance provide a strong reason for refusing the development. Footnote 7 of the Framework includes policies referred to in the Framework relating to, amongst other things, designated heritage assets. My findings in respect of the second main issue therefore provide a strong reason for refusing the development.
65. If this had not been the case, para 11(d)(ii) of the Framework indicates planning permission should be granted unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Paragraph 139 of the Framework makes clear that development that is not well designed should be refused, especially where it fails to reflect local design policies, which is the case in this appeal.
66. I find that the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

## **Conclusion**

67. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, for the reasons given above, I conclude that the appeal should be dismissed.

*H Porter*

INSPECTOR

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<sup>24</sup> 2.8 year supply (with 20% buffer)

## APPEARANCES

### FOR THE APPELLANT:

Thomas Hill KC	39 Essex Chambers
He called:	
Tim Tolcher BSc, Dip Arch, RIBA, ARB	Carey Jones Chapman Tolcher
Richard Coleman ARB RIBA RIAI IHBC	Savills
Scott Hudson MRTPI	Savills
Phoebe Juggins	Tribe
Bob Sadler	Howard Kennedy

### FOR THE LOCAL PLANNING AUTHORITY):

Charles Merrett	Francis Taylor Building
Daisy Estrada	Royal Borough of Greenwich
Russell Frew IHBC	Royal Borough of Greenwich
Andrew Harris MRTPI	Royal Borough of Greenwich
Anne Gerzon	Royal Borough of Greenwich

### INTERESTED PARTIES:

Cllr Majella Anning	Greenwich Creekside Ward
Cllr Calum Obyrne Mulligan	Greenwich Creekside Ward
Scott Fitzgerald	Millennium Quay and New Capital Quay
Rosamund Skinner	Local Resident

INQUIRY DOCUMENTS (submitted during or after the Inquiry)

- ID1 Appellant's Opening Statement (Mr Hill KC)
- ID2 Bramshill Judgement (hard copy of CD)
- ID3 Regina (Save Stonehenge WHS Ltd) v SoS for Transport Judgment
- ID4 Council's Opening Statement (Mr Merritt)
- ID5 Interest Party Statement email, on behalf of Lucas Apartment residents
- ID6 Interested Party Statement transcript, on behalf of Millennium Quay and New Capital Quay residents
- ID7 Interested Party Statement, Cllr Majella Anning (Creekside Ward)
- ID8 Interested Party Statement, Cllr Calum Obyrne-Mulligan (Creekside Ward)
- ID9 NPPF Para 11 Extract with track changes 2023/2024 versions
- ID10 Inspector's Day 5 & 6 Agenda
- ID11 Council (Mr Frew) further comments on Inspector's request re. listed buildings/settings (16.12.2025)
- ID12 Appellant (Mr Coleman) further comments on Inspector's requests re. listed buildings/settings (16.12.2025)
- ID13 Safe Rottingdean Ltd v Brighton and Hove CC
- ID 14 Inspector's conditions and s106 Agenda
- ID15 Inspector's notes following conditions RT discussion
- ID16 Final Reg 122 CIL Compliance Statement (update 17.12.25)
- ID17 Final s106 Monitoring Spreadsheet (17.12.25)
- ID18 London Plan Annual Monitoring Tables link
- ID19 Council's Closing Statement
- ID20 Appellant's Closing Statement
- ID21 Inspector's note to parties re. conditions (16.12.2025)
- ID22 Inspector's email to parties re. NPPF Consultation (17.12.2025)
- ID23 Updated schedule of conditions (16.01.2026)
- ID24 Appellant's comments on NPPF consultation (16.01.2026)
- ID25 Council's comments on NPPF consultation (16.01.2026)
- ID26 Singed completed amended S106 Agreement (29.01.2026)