



## Appeal Decision

Site visit made on 18 February 2025

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 March 2025

**Appeal Ref: APP/E5330/W/24/3353249**

**Charlton Liberal Club, 59C Charlton Church Lane, Charlton SE7 7AE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Liberal Ltd against the decision of Royal Borough of Greenwich.
- The application Ref 24/1566/F was approved on 2 August 2024 and planning permission was granted subject to conditions.
- The development permitted is the erection of three storey building accommodating 4 x 2 bedroom units and 2 x 1 bedroom units with associated lightwells, access, car parking, cycle and refuse storage and landscaping.
- The conditions in dispute are No's 9 and 10 which state that:

### **Condition 9**

- a) Prior to any above ground works, drawings illustrating that a minimum of all ground floor dwellings in the development hereby permitted comply with Building Regulation requirement M4(2) 'accessible and adaptable dwellings', shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Council's Housing Occupational Therapist.
- b) The development shall be carried out and retained for the lifetime of the development in accordance the approved details.

### **Condition 10**

- a) Prior to any above ground works, drawings illustrating that a minimum of all upper floor dwellings in the development hereby permitted comply with Building Regulation requirement M4(1) 'accessible and adaptable dwellings', shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Council's Housing Occupational Therapist.
- b) The development shall be carried out and retained for the lifetime of the development in accordance the approved details.

- The reasons given for the conditions are:

### **Reason 9**

To accord with Policies D5 and D7 of the London Plan (2021) as amended and Policy H5 of the Royal Greenwich Core Strategy and Detailed Policies 2014.

### **Reason 10**

To accord with Policies D5 and D7 of the London Plan (2021) as amended and Policy H5 of the Royal Greenwich Core Strategy and Detailed Policies 2014.

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## Decision

1. The appeal is allowed and the planning permission Ref 24/1566/F for the erection of a three storey building accommodating 4 x 2 bedroom units and 2 x1 bedroom units with associated lightwells, access, car parking, cycle and refuse storage and landscaping at Charlton Liberal Club, 59C Charlton Church Lane, Charlton SE7 7AE granted on 2 August 2024 by the Royal Borough of Greenwich is varied by deleting conditions 9 and 10.

## **Background and Main Issue**

2. Planning permission was granted (LPA Ref: 24/1566/F) for the erection of a three-storey building accommodating 4 x 2 bedroom units and 2 x 1 bedroom units with associated lightwells, access, car parking, cycle and refuse storage and landscaping that included two conditions requiring compliance with Building Regulation requirements on accessible and adaptable dwellings. This appeal seeks the removal of these conditions.
3. The main issue therefore is whether conditions 9 and 10 are reasonable and necessary to achieve accessible and inclusive environments.

## **Reasons**

4. The National Planning Policy Framework (Framework) at paragraph 57 states that conditions should only be imposed when they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning Practice Guidance (PPG)<sup>1</sup> sets out the circumstances where planning conditions should not be used, which includes those conditions that require compliance with other regulatory requirements.
5. Policy D5 of The London Plan (LP) requires development proposals to achieve the highest standards of accessible and inclusive design, with LP policy D7 setting out the requirement to provide suitable housing, including for disabled people, older people and families with young children. This latter policy however requires compliance with Building Regulation requirements. In this respect, the PPG is clear that conditions requiring compliance with other regulatory regimes, such as the Building Regulations, will not meet the test of necessity. As such, only limited weight can be afforded to LP policy D7 due to this lack of consistency with national planning guidance.
6. The lack of lift provision has been raised as a concern, as has the absence of exceptional circumstances which would demonstrate why a lift cannot be provided. This and other comments relating to the Building Regulations are however matters that would be controlled under other regulatory requirements. The conditions are not reasonable in all other respects by placing a requirement through the planning process for dwellings to meet the specific requirements on accessible and adaptable dwellings, in addition to the separate regulatory regime that exists.
7. Accordingly, I conclude that conditions 9 and 10 are not reasonable or necessary to achieve accessible and inclusive environments. Thus, the removal of these conditions would not result in conflict with LP policy D5 or policy H5 of the Royal Greenwich Local Plan Core Strategy with Detailed Policies. Although there would be conflict with the wording of LP policy D7, I have afforded this limited weight for the reasons set out.

## **Conditions and Conclusion**

8. For the reasons given above, I conclude that the appeal should be allowed, and the planning permission varied by deleting disputed conditions 9 and 10.

*F Rafiq* INSPECTOR

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<sup>1</sup> PPG Paragraph: 005 Reference ID: 21a-005-20190723