

Appeal Decision

Site visit made on 23 August 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 3rd October 2016

Appeal Ref: APP/A5840/W/16/3143959

Unit 9, 139-143 Bermondsey Street, London, Southwark SE1 3UW

- 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 Mr Daniel Pemberton against the decision of the Council of the London Borough of Southwark.
 - The application Ref 15/AP/1293, dated 8 April 2015, was refused by notice dated 6 August 2015.
 - The development proposed is the removal of white pvc framed conservatory and extension of a two-bedroom flat by 95.6 sqm GIA to create a fourth storey with a further bedroom and additional living space.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of white upvc framed conservatory and extension of a two-bedroom flat by 95.6 sqm GIA to create a fourth storey with a further bedroom and additional living space at Unit 9, 139-143 Bermondsey Street, London, Southwark SE1 3UW in accordance with the terms of the application, Ref 15/AP/1293, dated 8 April 2015, subject to the following conditions contained within the Schedule attached to this decision.

Procedural Matter

2. Following the Council's determination of the application, the Southwark Council Residential Design Standards Supplementary Planning Document 2011 has been updated to reflect the introduction of the national technical housing standards. Therefore I have based my decision on the Southwark Council 2015 Technical Update to the Residential Design Standards Supplementary Planning Document (SPD) 2011.

Main Issues

3. The main issues in this appeal are whether the development preserves or enhances the character or appearance of the Bermondsey Street Conservation Area; and, its effect on the living conditions of the occupants of neighbouring residential properties, with regard to noise and disturbance, privacy and outlook.
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Reasons

Character and Appearance of the Bermondsey Street Conservation Area

4. The appeal site lies within Sub Area 1 of the Bermondsey Street Conservation Area (CA), which predominantly comprises the section of Bermondsey Street between St. Thomas Street and the junction of Long Lane and Abbey Street. Properties within this area generally have narrow, long plots with attractive frontages. Although the rear of the properties have been developed overtime, gateways and arches remain that provide access to the rear, where traditionally there would have been kitchen gardens, workshops and other utilitarian features. During the industrialisation of the area during the 18th and 19th century, industrial buildings were located to the rear of the frontage properties, accessed via the gateways and arches.
5. The appeal site comprises a flat on the top floor of a three-storey, converted 19th century industrial warehouse located to the rear of properties fronting Bermondsey Street. Access to the building is via a gateway off Bermondsey Street which runs between 139-143 and 145 Bermondsey Street. It is constructed of yellow stock brick with a slate pitched roof. There is a clear hierarchical relationship with the buildings fronting the street, with the warehouse being lower in height and having simple design and architectural features, characteristic of a traditional warehouse. This subservient relationship follows on into the courtyard to the rear of 139-143 Bermondsey Street, within which there are two smaller, two-storey buildings. The hierarchy of the buildings makes a positive contribution to the significance of the heritage asset.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This is reflected in paragraph 132 of the National Planning Policy Framework (the Framework), which 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.
7. I have had regard to the suggestion that the appeal building was intended to be listed within the Bermondsey Street Conservation Area Appraisal (BSCAA) 2003 as making a positive contribution to the CA. The Council also state that 139 Bermondsey Street should be identified on Fig 53 of the BSCAA. However, regardless of whether neighbouring buildings are included, there is no evidence that either building was unintentionally omitted. Furthermore, the building is not a locally or nationally listed building. The test is whether or not the proposal preserves or enhances the character or appearance of the CA, not the building itself.
8. To the north of the appeal site is Tanner Street Park. Although the appeal building is visible from the park, and Tanner Street, only the upper floor and roof can be readily viewed. Immediately to the east of the building is a large modern building that rises above the appeal property and is similar in height to the buildings fronting Bermondsey Street. From Bermondsey Street itself, views of the building are very limited.
9. The proposal would result in the loss of the existing hipped slate roof. However, whilst the roof is visible from the park, it is the building's height and

simple design that highlights its subservience rather than the roof design. In the immediate vicinity there is a wide range of roof designs and materials. There are a number of other smaller traditional buildings to the rear of properties fronting the street that are equally simplistic in their design. However, unlike the appeal property, many of these have flat roofs with parapets. Therefore, the proposed flat roof would retain the subservient form of the building and would be typical of other subservient buildings in the area. Therefore it would not appear incongruous or harm the significance of the heritage asset.

10. I have had regard to the Council's reference to the updated SPD. However, I do not consider that the existing roof makes any particularly positive contribution to the significance of the heritage asset and do not find it to be an important historic roof form. Furthermore, the proposal involves the creation of an additional floor and not a roof extension.
11. The proposed additional floor would result in a significant increase in the height of the building. However, due to the use of a flat roof, it would remain lower than the properties fronting Bermondsey Street. Furthermore, it would be lower than the large building to the east, and whilst its subservient relationship with this modern building is not as important, it would remain framed by larger built forms on either side, therefore highlighting its retained subservience, particularly when viewed from the park. In addition, the hierarchical relationship with the two smaller properties and 139-143 within the neighbouring courtyard to the north and east would also be retained. The use of contrasting contemporary materials would assist in visually breaking up the mass of the building, further emphasising its subservience, whilst providing a transition between the surrounding modern buildings and the traditional buildings fronting Bermondsey Street.
12. Although some existing windows would be lost, which do appear to be original features, their loss would not detract from the character and appearance of the building or diminish the significance of the heritage asset.
13. The proposal does not strictly accord with some of the guidance set out within the BCSAA, with particular regard to the retention of original features including windows and roofs and the use of traditional materials. However, I find that the positive contribution the building makes to the significance of the CA is the role it plays in the hierarchy of the surrounding buildings, which would be retained. I have also had regard to the contention that the proposal would fail to comply with the Southwark Conservation SPG. In any event, in consideration of section 6.4.1 of the SPG, for the reasons given above, the proposal would largely comply with it. For the same reasons, I am nevertheless satisfied that the proposal would not diminish the significance of the heritage asset and would therefore generally comply with the thrust of these documents.
14. I find therefore that whilst the development would not particularly enhance the character or appearance of the CA it would have a neutral effect and therefore preserve it. As such, it would comply with Policy 12 of the Southwark Core Strategy (CS) 2011; saved Policies 3.15 and 3.16 of the Southwark Plan (SP) 2007; and Policy 7.8 of the London Plan 2015, which, amongst other matters, seek to ensure that development preserves or enhances the character or appearance of Conservation Areas and respects its context. In addition, it

would comply with the guidance contained within the SPD and SPG and accord with the Framework's objective of conserving designated heritage assets.

Living Conditions

15. The appeal property is within close proximity of the neighbouring residential units within 139-143 Bermondsey Street and the neighbouring Hatcher's Mews. There are existing windows in the elevations of the appeal building which face these neighbouring properties, particularly Hatcher's Mews, therefore there is already a degree of overlooking, typical of an urban residential environment. I note the proposed large window in the north elevation; however, I do not consider that it would result in a significant increase in the level of overlooking that already occurs. Due to the height and positioning of the proposed windows and terraces, they would be at an oblique angle to neighbouring windows, ensuring that there would not be any significantly overlooking.
16. I note that there is a neighbouring upper floor terrace associated within one of the units in the building fronting onto Bermondsey Street. Whilst the proposed third floor terrace and roof terrace would allow views into the neighbouring terrace, I am satisfied that this could be satisfactorily mitigated by way of an appropriately worded condition requiring suitable screening.
17. Whilst I understand the concerns raised regarding noise and disturbance during the construction of the proposal, this would be only be a temporary occurrence. Due to the tight form of development and proximity of neighbouring residential properties, an appropriately worded condition requiring a construction management plan would satisfactorily mitigate any such effects.
18. The extension would clearly be visible from neighbouring residential properties. However, the flat roof design would reduce its visual impact and it would be sufficient distance to ensure that it would not dominate views from these properties. Furthermore, it would be read against the backdrop of neighbouring taller buildings. Therefore, I do not find that it would significantly harm the outlook from any of the neighbouring properties to the detriment of the living conditions of their occupants.
19. I find therefore that the proposal would not significantly harm the living conditions of the occupants of neighbouring residential properties, with regard to noise and disturbance, privacy and outlook. Therefore, it would comply with Policy 13 of the CS; saved policy 3.2 of the SP; and, Policy 7.4 of the London Plan 2015, which, amongst other matters, seek to ensure that development protects residential amenity and that people feel comfortable with their surroundings. Furthermore, it would also accord with the general design objectives of the Framework.

Other Matters

20. I note the comments concerning the appellant's initial design intentions and that they own the first floor of the appeal building. However, I have assessed the appeal based on the planning merits of the proposal before me and these matters have not had any bearing on my consideration of it.
21. I note that the proposal would also not strictly comply with the guidance set out in the SPD, with regard to the internal layout of the proposal. However, the proposal would provide a large open plan living space, and whilst there would be limited fenestration on the southern elevation, the abundance of

fenestration on the north elevation would ensure that the space is sufficiently served by daylight. Furthermore, as opposed to a new building, the proposal is constrained by the existing orientation of the building and its proximity to neighbouring buildings. Overall, I am satisfied that it would provide adequate living conditions for its occupants and the proposal generally accords with the thrust of the guidance.

22. I have also had regard to the potential development of Hatcher's Mews and the effect of the proposal on the future development of this site. However, I have not been presented with any details of any such proposals and there is no evidence that the proposal would prohibit the land to the north from being developed.

Conditions

23. I have had regard to the conditions suggest by the Council. A condition setting a time limit for the commencement of development is necessary in the interests of proper planning. For the avoidance of doubt and in the interests of proper planning a condition is attached clarifying the approved plans. A condition relating to the external materials and landscaping is also necessary, to ensure the satisfactory appearance of the development and to safeguard residential amenity.
24. In the interest of highway safety and the living conditions of the occupants of neighbouring properties, a Construction Method Statement is required. However, due to the location of the appeal property and the nature of the development, safety hoardings and wheel washing facilities are not necessary.
25. It is essential that the requirements of condition 3 are agreed prior to the development commencing to ensure an acceptable form of development in respect of preserving the character and appearance of the area.

Conclusion

26. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A209-A-P-(00)001, A209-A-P-(00)002, A209-A-P-(00)100, A209-A-P-(00)101, A209-A-P-(00)102, A209-A-P-(00)200, A209-A-P-(00)201, A209-A-P-(00)202, A209-A-P-(00)203, A209-A-P-(00)300, A209-A-P-(00)301, A209-A-P-(00)302, A209-A-P-(01)001, A209-A-P-(01)100, A209-A-P-(01)101 REV A, A209-A-P-(01)102, A209-A-P-(01)200 REV B, A209-A-P-(01)201, A209-A-P-(01)202, A209-A-P-(01)203 REV B, A209-A-P-(01)300, A209-A-P-(01)301 REV A, A209-A-P-(01)302.

- 3) No development shall commence until details of the external materials are submitted to and approved in by the local planning authority. These details shall include:
- i) Material samples/sample boards of all facing materials, and
 - ii) Section detail-drawings at a scale of 1:5 through:
 - parapets/roof edges;
 - balconies/terraces;
 - junctions between materials/levels; and
 - reveals, heads, sills and jambs of all openings.

Development shall be carried out in accordance with the approved details.

- 4) No development shall commence until details of both hard and soft landscape works, including private amenity space and roof top gardens have been submitted to and approved in writing by the local planning authority. These details shall include:
- i) surfacing materials;
 - ii) pathways layouts;
 - iii) materials and edge details;
 - iv) roof top planters;
 - v) biodiverse roof;
 - vi) all boundary treatments such as walls, fences and screens; and
 - vii) material samples of hard landscaping.

The landscaping works shall be carried out in accordance with the approved details.

- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the development first being brought into use; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during construction; and
 - v) a scheme for recycling / disposing of waste resulting from demolition and construction works.