

Appeal Decision

Site visit made on 19 September 2016

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 10 October 2016

Appeal Ref: APP/A5840/W/16/3153128
10 Mill Street, London SE1 2AY

- 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 Stephen Staniforth against the decision of the Council of the London Borough of Southwark.
 - The application Ref 15/AP/4349, dated 27 October 2015, was refused by notice dated 23 December 2015.
 - The development proposed is described as addition of new storey to existing building.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant has submitted a revised proposed second floor plan with the appeal (15-01-008 revision B). Whilst the revised plan includes greater detail than the plan considered by the Council, there is no apparent change in the room layout of the proposed apartment and the plan does not substantially change the nature of the proposal. In addition, the Council has commented on the revised plan. Consequently, my consideration of the appeal on the basis of the revised plan would not give rise to prejudice to interested persons and I have determined the appeal on this basis.

Main Issues

3. The main issues for the appeal are:
 - Whether the proposal would preserve or enhance the character or appearance of the St. Saviour's Dock Conservation Area; and
 - Whether the proposed development would provide acceptable living conditions for the future occupants of the second floor flat with regard to the provision of internal space.

Reasons

St. Saviour's Dock Conservation Area

4. The appeal proposal relates to the upper floors and roof of 10 Mill Street, a four storey former warehouse building, situated at the junction of Mill Street and Wolseley Street in the St Saviours Dock Conservation Area. The character of the Conservation Area is largely derived through the large scale and form of the regenerated warehouses and industrial buildings, which I saw at my site
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- visit to be in a variety of uses. I observed the relatively simplistic forms of the buildings in the Conservation Area, the narrow streets flanked by tall buildings and the uniformity of building materials. I also saw modern additions which have been made to some buildings including to some nearby listed buildings.
5. The appeal building which is of a simple form, is situated in a prominent street corner location when viewed from the south west along Mill Street and I observed during my site visit that it is appreciably lower in height than its neighbours. As the building has a simple eaves line which sits immediately above the window heads of the top floor with no parapet wall, the hipped roof is clearly visible. The building is constructed in stock brick, has a bevelled corner and has uniformity in its fenestration.
 6. The Council prepared a Conservation Area Appraisal (CAA) for the St Saviours Dock Conservation Area in 2003. Whilst this document was produced some time ago and refers to policies of since replaced development plans, I nevertheless consider that it remains relevant in setting out what is significant in the Conservation Area and the Councils approach to its preservation or enhancement. The CAA identifies the appeal building as a building that contributes positively to the character of the Conservation Area. I have considered the comments regarding the 'status' of the building as a heritage asset and the references to the Planning Practice Guidance. Whilst the building is not listed and can be considered as being a non-designated heritage asset, it also forms part of a designated heritage asset; the Conservation Area. Whilst it was not included in the original Conservation Area boundary, it is situated within the present Conservation Area to which the parties agree it makes a positive contribution.
 7. The appeal proposal involves the removal of the existing roof of the building and the formation of a flat roofed new storey, clad in anodised metal cladding. A new parapet wall would be added to the building and two existing balconies replaced.
 8. The addition of the new storey of a contemporary design and the new parapet wall would give rise to significant changes to the character and appearance of the building. The new parapet wall would give rise to harm to the host building through the loss of its simple form. Whilst I note that there may have been bombing damage to the building in World War 2, no evidence has been provided which demonstrates that the building once possessed a parapet. I do not agree that the provision of a parapet would give rise to an appropriate 'brickwork-to-window' relationship and consider that such an addition would harm the historic character of building, changing its form, character and identity.
 9. The proposed replacement of the roof would also have a significant effect upon the appearance of the building in the street scene. The aerial photographs provided show that the building had a hipped roof in 1922 and whilst the existing roof may not be original, it does nevertheless reflect the traditional form of the building. Although the proposed parapet wall would partially screen the proposed new storey, the new storey would nevertheless appear as a prominent addition to the building when viewed along Mill Street. Whilst the building as extended would not exceed the height of its neighbours, given its scale, design and materials proposed, the appeal proposal would appear as a bulky and incongruous addition. Given the prominent location of the host

building within the Conservation Area and its importance to the street scene, the harm identified to the host building would inevitably harm the character and appearance of the Conservation Area.

10. Whilst the appellant has referred me to guidance produced by CABE and Historic England, I find the proposal harmful to the character and appearance of the building and to the Conservation Area. Although the building has little specific mention in the CAA and I note that it is not identified in the publications referred to me by the appellant, this does not diminish the contribution that it makes.
11. During my site visit I saw the additions which have been made to 'Mill House' (No. 8 Mill Street) and the additional storey and raised parapet at the listed Vogan's Mill and the Vogan's Mill Tower. Whilst I noted that these buildings are of a larger scale than the appeal building, I am not aware of the detailed circumstances of these developments and consider that whilst these buildings may have been altered significantly, I do not consider that they should set an example of what to be followed in this case given the harm found. I have considered the comments regarding the demolition of the former 'Dockhead Fire Station' but have been provided with few details regarding the circumstances for this. Whilst I have also considered the comments that the area may have potential to accommodate further change and that the proposal would not affect many of the key features of the building, I nevertheless find that it would give rise to harm to the host building and Conservation Area.
12. The appeal proposal would therefore cause harm to the character and appearance of the Conservation Area and having found harm to the Conservation Area, I give it considerable importance and weight. Paragraph 131 of the National Planning Policy Framework (the Framework) states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. This is in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of development affecting conservation areas, which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 132 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of the asset.
13. Paragraph 126 of the Framework recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. The harm found in this case would be less than substantial to the extensive Conservation Area as a whole and any harm, which is less than substantial, must be weighed against the public benefit of the proposal. Whilst the harm to an individual site may be less than substantial, the incremental and cumulative harm that could arise from similar proposals could adversely affect the Conservation Area and the heritage asset as a whole. As heritage assets are irreplaceable, any harm requires clear and convincing justification. I will return to this.
14. In accordance with the duty as set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have considered the effects of the proposed development upon listed buildings and find that it would not give rise to harm to the significance of the nearby listed buildings.

15. To conclude on this matter, the appeal scheme would not preserve or enhance the character or appearance of the St Saviours Dock Conservation Area. The proposal conflicts with Policy 7.4 of the London Plan 2016 which includes that development should have regard to the form, function, and structure of an area, place or street, London Plan Policy 7.6 which is concerned with architecture and London Plan Policy 7.8 which includes that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. The proposal also conflicts with Strategic Policy 12 of the Southwark Council Core Strategy 2011 (Core Strategy), which includes achieving the highest possible standards of design. The appeal scheme also does not accord with saved Policies 3.12 and 3.13 of the Southwark Unitary Development Plan 2007 (UDP), which is concerned with design, and saved UDP Policies 3.15 and 3.16 which are concerned with conservation of the historic environment and conservation areas. Additionally, it does not accord with the policies of the Framework in this regard.

Living conditions

16. The appeal proposal would give rise to a 2 bedroom flat and a 3 bedroom duplex flat. The Council is concerned that the 2 bedroom flat through not meeting minimum floorspace requirements, would result in a substandard level of amenity and cramped accommodation for future residents.
17. The Council's 2015 Technical Update to the Residential Design Standards 2011 Supplementary Planning Document (SPD) sets out minimum space standards and includes that in order to provide two bedspaces, a double (or twin bedroom) should have a floor area of at least 11.5 square metres. Bedroom 1 of the proposed flat has been stated to have a floor area of about 15 square metres. Whilst there are different floorspace figures given for bedroom 2 in the evidence, it is clear that it has a floor area of about 10.3 square metres or less, meaning that it should not be considered as being a double room. Consequently, I consider that the proposed flat should be considered as being a 2 bedroom, 3 person flat and comfortably exceeds the overall minimum floorspace requirement.
18. In terms of the combined kitchen/diner/living room, there is no agreement as to the internal floorspace, with the Council stating that it is 26.3 square metres and the appellant, 28 square metres. Given that the SPD sets out recommended room areas and the exceedance of the minimum overall floorspace standard, any shortfall in the floor area of the combined rooms would be marginal and not significantly harmful to the living conditions of future occupants.
19. To conclude on this matter, I consider that the proposed development would provide acceptable living conditions for the future occupants of the second floor flat with regard to the provision of internal space. In this regard, the appeal proposal complies with Core Strategy Strategic Policy 5 which is concerned with the provision of high quality new homes. It also complies with saved UDP Policy 3.2 which is concerned with protecting amenity, saved UDP Policy 3.11 which is concerned with the efficient use of land and includes ensuring a satisfactory standard of accommodation and amenity for future occupiers of the site and saved UDP Policy 4.2 which includes achieving good quality living conditions. The proposal also accords with the SPD in this regard.

Other matters

20. In terms of public benefits, the appeal scheme would provide an additional dwelling to the supply of housing. I have also taken into consideration the comment that the appeal proposal represents a regeneration opportunity. I have considered the policies of the Framework, The London Plan and supplementary planning guidance referred to me by the appellant. I have also taken into account the appellant's comments regarding the effects of the proposed development on the living conditions of neighbours and that the development would be car free.

Conclusions

21. Whilst the proposed development would give rise to some limited public benefit by providing an additional dwelling to the supply of housing, I do not consider that this would outweigh the harm which would arise to the Conservation Area to which I afford considerable importance and weight. For the above reasons and having considered all matters raised, I consider that the appeal should be dismissed.

Philip Lewis

INSPECTOR