
Appeal Decision

Site visit made on 9 November 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 28 November 2016

Appeal Ref: APP/A5840/W/16/3156680

151 Camberwell New Road, London SE5 0SU

- 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 Cyrus Homes Limited against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/1575, dated 21 April 2016, was refused by notice dated 22 June 2016.
 - The development proposed is the demolition of the existing building and the erection of a replacement 4 storey building plus basement level accommodation containing 5 flats together with refuse and cycle stores, communal and private amenity spaces and hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted with their appeal documentation a revised layout of the proposed ground floor and basement levels. The revised plan shows the provision of an increased number of cycle storage spaces in response to one of the reasons for which the Council refused planning permission.
3. The revised plans have been submitted at an early stage in the appeal proceedings and whilst I accept that the Council have elected to not form a view on them, they have nonetheless had the opportunity. It is for this reason, as well as the fact that the revised plans do not result in fundamental changes to the proposed development, that I am content neither party would be prejudiced by my acceptance of them as part of the appellant's evidence.

Main Issues

4. There are two main issues. These are:
 - The effect of the proposed development on the living conditions of future occupiers with specific regard to units 1 and 2; and
 - Whether or not the proposed development provides for sufficient cycle storage
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Reasons

Living Conditions

5. The appeal building is three storeys and part of a terrace, comprising a currently vacant retail unit to the ground floor and residential above. There is a yard area to the rear of the appeal building which is enclosed by a tall school building to one side and the rear yard of the adjoining building to the other. A brick wall separates the rear boundary from other premises that front Warham Street to the northeast.
6. The proposed development would provide five self-contained units of accommodation, arranged over four storeys, including a basement level. Planning permission has been granted at appeal¹, and is extant at the time of this Decision, for the erection of a similar building but providing four units.
7. Having considered the extant planning permission and the evidence from both parties together, there does not seem to be any disagreement on the use/layout of the upper floors of the proposed development. This is with specific regard to the provision of the three two bedroom units on the first, second and third floors. Having had sight of the proposed plans with regard to these units, I have no reason to reach a different conclusion.
8. The front section of the ground floor as well as the basement (unit 1) would provide a single bed unit and the rear section of the ground floor a studio layout (unit 2) with a single bed space.

Unit 1

9. Unit 1 would have a wide window which would have partial obscure glazing providing light into the living space; a glazed light well would draw light from street level into the kitchen and dining area beneath it in the basement. The single bedroom would have a narrow sky light and a partition incorporating specialist adaptive glazing. There would be no vertical windows to either the basement hallway or bathroom.
10. The use of the obscure and specialist glazing to the living space and the bedroom respectively would preserve the privacy of the rooms for occupiers. However, the lack of direct accessibility to any vertical window from the single bedroom specifically means that it would be afforded no outlook of any discernible quality. Access to any outlook would be through the glazed partition and across the open plan living space where the nearest vertical window would be partially obscured in any event.
11. I accept that the width of the front window would allow sufficient light into and afford some (albeit limited) outlook from the living space. Nevertheless, the narrowness and siting of the proposed light well in relation to other vertical wall planes around it would limit the natural light penetrating it. This would result in a dark and oppressive environment for the remaining space in unit 1 in the basement section. Notwithstanding the disagreement between the parties as to what would be considered the principle or habitable rooms in a given unit of accommodation.

¹ APP/5840/W/15/3131888

Unit 2

12. There would be no vertical windows in either the bathroom or the kitchen/dining/living space. There would be two vertical openings in the rear elevation which would offer some outlook but these would only be accessible through the sleeping area. One is a small window which would be directly opposite a partition wall and it is not clear from the evidence before me whether the rear access door, the other of the two openings, would be glazed.
13. I accept that sky lights in the kitchen/dining/living space would provide adequate natural light when taken with the window in the sleeping area. However, this would not in my view compensate adequately for an almost complete lack of a reasonable outlook from the majority of the floor space in the studio unit.
14. When taking all of these matters together, the proposed development would be harmful to the living conditions of the future occupiers of both units 1 and 2. There would therefore be clear conflict with Policies 3.5 of the London Plan², Strategic Policy 13 of the Core Strategy³, Saved Policies 3.2, 3.12 and 4.2 of the Local Plan⁴ and the updated RDS SPD⁵. These Policies and additional guidance seek to ensure that, amongst other things and alongside one of the core principles of the Framework⁶, new development is of the highest environmental standard and appropriate in terms of the living conditions of existing and future occupiers of land and buildings.
15. I note the Council's reference to Strategic Policy 5 of the Core Strategy in respect of this particular issue. However, and having read this Policy, it appears to be more relevant to how the Council will achieve its strategic objectives for housing need, mix and choice.

Cycle Storage

16. I note that the proposed layout as it was submitted to the Council provided five cycle storage spaces which did not meet the requirements of the relevant Development Plan Policies. The appellant has since submitted a revised layout showing up to eight spaces for cycle storage with the appeal.
17. Following on from my consideration of this information above, I am content that it would be possible for the proposed development to provide the required number of cycle storage spaces. As such there would be no conflict with Policy 6.9 of the London Plan, Strategic Policies 2 and 13 of the Core Strategy, saved Policy 5.3 of the Local Plan and the RDS SPD.
18. These Policies and additional guidance seek to ensure that, amongst other things and alongside the Framework, adequate provision for cyclists is made through new development to the required minimum standard. This would help contribute positively to the local cycle network, encourage sustainable transport choice and maintain high environmental standards.

² The London Plan 2015

³ The Southwark Core Strategy 2011

⁴ The Southwark Plan 2007

⁵ 2015 Technical Update to the Residential Design Standards Supplementary Planning Document 2011

⁶ The National Planning Policy Framework 2012

Other Matters

19. The site falls within the boundaries of the Camberwell New Road Conservation Area (CNRCA). The appeal site occupies a prominent street frontage location in the CNRCA, the appeal building being one of a series of flush fronted terraced buildings with a retail unit to the ground floor and residential uses in the floors above. The proposed replacement building would emulate the scale, proportions and symmetrical fenestration detailing of the existing. Furthermore, the addition of a mansard roof with two well deigned and vertically portioned dormer windows would combine to form a clearly subservient extension to the main building.
20. It is for these reasons that I do not find that any harm would arise to the character and appearance of the CNRCA. Its character and appearance would therefore be preserved as a result of the proposed development.
21. I note that the extant planning permission has established the use of both the basement and the rear section of the ground floor for habitable purposes. However, this was in respect of them being part of one and the same residential unit. A further two bedroom unit where the habitable space was spread out with more than one opportunity for a reasonable outlook in the majority of spaces. It seems to me that by effectively subdividing this into two separate self-contained units the quality of the habitable space overall, specifically the outlook from each unit, would be compromised to an unacceptable degree.
22. I further note that in coming to a view on the principle of a five unit development, the Inspector for the previous appeal¹ considered that it was acceptable. However, this was a matter in isolation and relevant purely to the density of the development. The possibility of this density coming forward would always have to rely on all other matters being acceptable. This would not be the case here, for the reasons I have set out above.

Conclusion

23. Whilst I have found that the proposed development would make adequate provision for cycle storage and would not harm the character and appearance of the CNRCA, it would fail to be acceptable in the context of the living conditions of its future occupiers. With specific regard to units 1 and 2.
24. It is for this reason that the appeal is dismissed.

John Morrison

INSPECTOR